IN THE DISTRICT COURT OF CARTER COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CF-2023-321
	)	
JASON MAY,	)	
	)	
Defendant.	)	

* * * * *

TRANSCRIPT OF THE TESTIMONY OF CRAIG LADD
IN THE TRIAL PROCEEDINGS
HAD ON THE 28TH, 29, & 30TH DAYS OF APRIL
AND THE 1ST & 2ND DAYS OF MAY
BEFORE THE HONORABLE TRISHA SMITH
(and a jury)

* * * * *

APPEARANCES

FOR THE STATE:

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Beau Dismukes, ASSISTANT DISTRICT ATTORNEY,
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FOR THE DEFENDANT:

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Reported by:

Tracy Wilkerson, CSR
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Official Court Reporter
Carter County Courthouse
Ardmore, Oklahoma

(The following requested portion of proceedings were had on April 29th & 30th 2025, and contain only the examination of Craig Ladd:)

CRAIG LADD,

called as a witness on behalf of the state, after having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WHATLEY:

Q Mr. Ladd, will you state your name for the record and spell it for our court reporter.

A My name is Craig Ladd. C-r-a-i-g, L-a-d-d.

Q And, Mr. Ladd, how are you currently employed?

A I'm a private attorney here in Ardmore. I work at Republic Law Group.

Q How long have you been a private attorney?

A Since September of 2023.

Q And, prior to September of 2023, what was your job?

A I was the district attorney here in District 20, which includes Carter County -- also Love County, Johnston County, Murray County, and Marshall County -- for 17-and-a-half years. I was appointed back in 2006, and I served in that capacity until 2023, through the end of July.

And prior to that I was an assistant DA here in District 20 for a period of nine-and-a-half years. So in all, I was a prosecutor at the DA's office for 27 years.

Q Okay. And then you mentioned in maybe late July, early August of 2023, you retired from the State of Oklahoma; is that correct?

A That is correct.

Q And then you began your career as a -- for the first time in your career as a private attorney?

A That is correct.

Q Do you know somebody by the name of Jason May?

A Yes.

Q Do you see that person in the courtroom?

A He's seated over here --

MR. SWAIN: Judge, we'd stipulate to ID.

THE COURT: Parties stipulate to the identification of Mr. May.

You may proceed.

MS. WHATLEY: Thank you, Your Honor.

Q (By Ms. Whatley) How long have you known Jason May?

A Since he started practicing law, I think, back in 2009.

Q And when he started practicing law, do you mean

here in Carter -- like just in general -- or just in Carter County?

A Well, primarily in Carter County. I think his office was here in Carter County, and he handled a lot of, basically, exclusively, criminal defense cases.

And so, me being a career prosecutor, I had a lot of cases with him over a span of however many years that would be.

Q And in February of 2019, were there some civil forfeiture cases that were filed that the defendant became involved in as the attorney of record?

A Yes.

Q Okay. There are -- there is a book of exhibits --

Can I approach the witness, Your Honor?

THE COURT: You may.

Q (By Ms. Whatley) We've gotten some of them out of order, but I don't think that you're gonna need that one (indicating.) If you'll turn to the front of that there, Mr. Ladd, and we'll kind of go from there.

In these civil cases, these forfeiture cases that you were involved in would it be helpful for you to be able to know or to have something to reference when talking about specific dates that things were filed on?

A Yes.

Q Okay. I'm gonna draw your attention to State's Exhibit 6. They should be in order in the book. Hopefully.

A Okay.

Q Mr. Ladd, do you know what State's Exhibit 6 is?

A It appears to be a docket sheet from Renee Bryant's office, who is the Carter County Court Clerk.

Q And do you -- can you just tell us what a docket sheet is?

A It's just a -- basically, an inventory or a listing of everything that's been filed in a case.

Q And would that have the particular -- would it have notes on it -- I say "notes" -- entries that would show which dates specific things were filed?

You can pull it out of the sleeve there if you need to look at it.

A Yes.

Q And this is the docket sheet for CV-2019-12 that was one of the forfeiture cases that the defendant became involved in; is that correct?

A That's correct.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's Exhibit 6, the docket sheet for CV-2019-12.

MR. POND: Jacobi, is that one certified?
MS. WHATLEY: Yes.
MR. POND: No objection, Judge.
THE COURT: State's 6 is admitted without objection.
MS. WHATLEY: Can I have a moment, Your Honor?
THE COURT: You may.
(State and defense counsel confer.)
Q (By Ms. Whatley) And then also, Mr. Ladd, if you would look at State's Exhibit 7. Can you tell us what that exhibit is?
A It appears to be a docket sheet for a probate case.
Q Okay. And throughout your involvement in the CV cases, was there then a probate case that came to your attention?
A Yes, there was.
Q And is it the probate case on that docket sheet, PB-2022-113?
A Yes.
Q And would that docket sheet for the PB case be helpful in determining dates that things were filed, to refresh your memory?
A Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter state's PB-2022-113 into evidence.

MR. POND: No objection.

THE COURT: State's 7 is admitted without objection.

Q (By Ms. Whatley) Mr. Ladd, I had -- we had talked a little bit about some civil cases -- civil asset forfeiture cases.

In your employment, I guess, or I'd say first appointment and election as district attorney, would you be involved in the prosecution of certain civil cases?

A Yes.

Q Can you explain that to us, how the DA's office -- that we all probably primarily think of handling criminal cases -- what the DA's office involvement would be with a criminal case?

A Yes. So the drug statute in Oklahoma -- it's not uncommon in the other states as well and federal authorities -- they have some statutes that basically stand for the proposition and provide for, in the event that law enforcement believes it has come across drug proceeds -- for lack of a better term -- or money that was obtained from the sale of drugs, then they can seize it, and they can file a petition, file a lawsuit, against that money, and that money will be forfeited to

the state in the event that the state can establish by a preponderance of the evidence, that this is, in fact, drug proceeds.

So it's not uncommon whenever you're a prosecutor, the DA, or assistant DA -- and during my 27 years as a prosecutor, that law enforcement would bring in a report saying, Hey, we -- we -- we have seized some money that we believe is drug proceeds, that it was money that was made from somebody selling drugs, and we're going to ask you to file a lawsuit against that money or ask you to file a petition against it seeking forfeiture of that money.

Q And would, Mr. Ladd, the DA's office handle that case -- I mean, it's not the same -- but you would be the attorney of record. It would be the State of Oklahoma is the attorney of record in prosecuting the civil asset forfeiture case?

A Yes.

Q And, ultimately, who made the decision on whether or not to proceed on, like, maybe, a -- the criminal side or the civil side with this civil asset forfeiture for cases that were brought to the Carter County DA's office?

A Ultimately, the DA's office. Sometimes we would file a companion criminal case, I mean, that's

most typical, where you have someone that's maybe being prosecuted with possession with intent or distribution or drug trafficking, something like that, and then there's a companion civil forfeiture case for money that was found during that investigation.

Q Okay. But, ultimately, I guess, my question would be, is the decision on which way to proceed -- does that lie with the DA's office?

A That's within our discretion --

Q And --

A -- at the end of the day, we're the ones that have to prove the case in court, so.

Q Specifically, either yourself or another one of the other assistant DAs, who were in your office and employed in Carter County at that time?

A Yes.

Q Okay. I want to draw your attention to State's Exhibit 8 and 9 in the book. And probably would be good just to leave the docket sheets out of the book so that you can reference those if you need to.

A Thank you.

Q State's Exhibit 8, do you recognize that document?

A I do.

Q I'm sorry. State's Exhibit -- yeah. State's

Exhibit 8.

MR. POND: I don't have 8.

MS. WHATLEY: You don't have 8. Hold on one second. You good?

MR. POND: Yes.

Q (By Ms. Whatley) What is State's Exhibit 8?

A It's a Petition and Notice of Seizure and Forfeiture that was filed against some of the money seized from an individual, initially known -- that made himself known to law enforcement as Humberto Leon Panama and it was later determined to be Jorge Luna Flores.

Q Okay. And does that document in front of you, State's Exhibit 8, does it indicate those things, the original Humberto Panama AKA Jorge Flores?

A It does. It shows an address -- last known address of 2103 Lemon Drive, Apartment B, Austin, Texas. The money being sought to be forfeited in this particular petition or cause of action is $357,720 in U.S. currency.

Q And is that a true and accurate representation of the filing Petition and Notice of Seizure in CV-2019-12 in Carter County?

A It is. And it actually bears my signature.

Q And you know that's your signature?

A I do.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 8 into evidence, and permission to publish?

MR. POND: Just 8?

MS. WHATLEY: Yes. Just doing 8 right now.

MR. POND: No objection.

THE COURT: States 8 is admitted without objection.

And you may publish.

Q (By Ms. Whatley) And then we move forward -- we're gonna move forward to State's Exhibit 9 for a second, could you tell me what State's Exhibit 9 is?

A That's a similar petition and it pertains to the same money that was taken or seized from the individual, initially known as Humberto Leon Panama and then subsequently determined to be Jorge Luna Flores. It's very similar. It's pled in the same fashion, basically, alleging that it's drug proceeds. It's signed by me, but it's over $10,000.

My recollection is they found $10,000, maybe, in the trunk of the vehicle, and they found the 357,000 -- what's the subject of State's 8 -- that was found in a secret compartment underneath a false floor.

Q Is State's 9 a true and accurate representation of the Petition and Notice of Seizure in CV-2019-13?

A Yes, it is.

MS. WHATLEY: Your Honor, at this time State moves to enter State's 13 in to evidence.

MR. POND: 13? Did you say 13?

MS. WHATLEY: I'm sorry. The State's Exhibit 9. The last digits are 13. Too many numbers. State's Exhibit 9. State moves to admit.

MR. POND: Okay.

THE COURT: State's 9 is admitted without objection.

MS. WHATLEY: And permission to publish, Your Honor?

THE COURT: You may publish.

Q (By Ms. Whatley) I'm showing you right now, Mr. Ladd, State's 12 up on the screen, but also you have it in front of you it and might be easier for you to look at.

A Will this be State's 8?

Q Yes. Which is the CV-2019-12, that has just kind of the information, Petition and Notice of Seizure, the information that you've already talked about, and then it has a file date of February 8, 2019; is that correct?

A That's correct.

Q Okay. And then previously when we were talking

about State's 8 versus State's 9, could you just explain one more time the difference -- why -- why this wasn't one civil forfeiture case? Why it's filed as two?

A You know, I believe that PD -- I mean, the police department -- maybe Eric Grisham, the officer that was kind of the lead agent in the seizure of this money, they initially thought it was gonna be a $10,000 deal, and I'd have to speculate on why they drew up two different documents, but I do know from the reports that there was 10,000 found, I believe, in the trunk area and 357,720 found in the secret compartment under the false floor.

They presented them to me in the two different petitions. We didn't really consolidate them. I think that they were found at different times. I believe the 357,720 after they executed the search warrant for that storage compartment underneath the false floor. And so I presume that's why they were filed separately.

Q Mr. Ladd, you mentioned that "they drew them up." Who would -- who did you mean by they drew them up?

A Officers that work the narcotics division. And then they have me review them.

Q And is there a reason -- well, let me back up. Is that the normal course of business in a forfeiture

case, that if the DA's office is proceeding with a forfeiture, the agency that found the money or the car or whatever item that is being sought to be forfeited, that the agency draws up those paperworks -- and then brings -- paperwork and brings it to the DA's office?

A That was the common practice during my tenure as a DA here in Carter County, and whenever I was an assistant DA.

Q Over 20 years?

A Yeah.

Q Why is that -- why -- do you know why that was the process?

A I don't know. That's just what we always did, that was the proces we followed. It didn't necessarily bother me 'cause I would review the pleading to make sure it was properly pled. I'd also look at the reports to make sure that I felt like we could establish, by a preponderance of the evidence, that these were drug proceeds, and assuming it was properly pled and I felt we had enough evidence to proceed with it, I would file it, and we would handle representation of the state in the forfeiture proceedings.

Q Is there -- was there -- because you wouldn't know now -- but was there -- when you were district attorney in 2019, was there some sort of memorandum of

understanding or agreement with local law enforcement agencies about what happened, if this money was ultimately forfeited, and the state was successful in a civil asset forfeiture case, what would happen with that money, if you were successful?

A Yes. There were interlocal -- interlocal governmental agreements, something like that, basically our memorandum of understanding between our office, the DA's office, and these local law enforcement agencies, whether it's the Oklahoma Bureau of Narcotics or Highway Patrol, or in this case, Ardmore Police Department, for in the event that we prevail and the money was forfeited, as provided for by the law, and then the seizing agency would get 75 percent of whatever was forfeited to the state, and the DA's office would get 25 percent.

That 25 percent, it has to be used to fund efforts to combat our drug problem, for narcotics enforcement, by law. The 75 percent is earmarked for the same type of law enforcement activities that would have gone to the law enforcement agency, in this case, the APD.

Q And certainly, I mean, in your experience, law enforcement agencies might have a different need? They might be purchasing different things or using the money in different ways than a DA's office would?

A Absolutely.

Q Okay. Like, you're not gonna go buy, like, an interdiction vehicle or some vehicle to use in prosecuting drug crimes for the DA's office?

A That's correct.

Q Now, just to be very clear, this 25 percent, would you be able to supplement your own salary, like, as the district attorney, would you be able to use that money for your salary?

A No.

Q And why is that?

A My salary was set by statute. So whether or not we prevailed on a drug forfeiture case, my paycheck's gonna be the same as the DA.

Q And then you said very specific ways that you can use those funds if they are ultimately forfeited, that 25 percent?

A Right.

Q Was there any reason that you know of in your tenure, both as an assistant DA and as a district attorney, why that was the split? Why it was a 75/25 split?

A I think that was the split with my predecessor Mr. Sperry, and we stuck with it, that wasn't a huge focal point of -- my mission as the district attorney

was primarily prosecuting people committing crimes. This wasn't my primary emphasis for my office.

Q Okay. And then if you can move onto State's Exhibit 10 and State's Exhibit 11. What are those documents, Mr. Ladd?

A Publications. To make sure that whoever may have an interest in this money is made aware that it's been -- it's been seized and we filed a petition against it for forfeiture.

Q And are those two, State's 10 and 11, are those the publications that go with State's 8 and 9, which would be the Petition and Notice of Seizure in CV-2019-12 and CV-2019-13?

A Yes.

Q When do you usually file or complete the publication in relation to a notice -- a petition and notice?

A Again, I think this was something that primarily the police department -- or the seizing agency takes the lead on. It was nothing I personally did, but shortly thereafter, I do know that -- I see that this was done February 13. I believe the money was seized on February the 8.

MS. WHATLEY: Your Honor, at this time, the state moves to enter State's 10 and 11, the publication

documents from the court file, and are also certified copies from the court file.

State's 10 is CV-2019-12 Ardmorite publication.

State's 11 Ardmorite's publication for CV-2019-13.

MR. POND: No objection.

THE COURT: State's 10 and 11 are admitted without objection.

Q (By Ms. Whatley) You had mentioned -- I want to pull up State's 10 for a second.

Mr. Ladd, are the -- similar to the petitions and notice of seizure, are the publications substantially the same, I guess, in terms of form, like, is this the same form for both State's 10 and 11?

A Yes.

Q Okay? And this information, in addition -- this would be ran in the Ardmorite. And what is the Ardmorite?

A It's a local newspaper publication, and it's kinda the paper for Carter County.

Q Is it the only -- is that where any documents that need -- would need to be published, in terms of -- in your -- let me ask -- that's a poor question. I'm wording it bad.

In your tenure as district attorney, is the

Ardmorite where you would publish any notices that you would need to in your office?

A Yes.

Q Okay. And -- and not just in civil cases -- I mean, civil asset forfeiture, but also maybe like deprived cases and things like that?

A Yes.

Q Okay. And the information that's contained in the publication, is that basically a regurgitation of the same information that's in the Petition and Notice of Seizure?

A Yes.

Q And, Mr. Ladd, do you know why publication is in the local newspaper versus like the newspaper where the address is on the petition?

A Because this is where it was seized.

Q And is that the appropriate thing to do in statute? You have to file the notice where the property is?

A Yes.

Q Okay. And then if you can turn your attention to State's Exhibit 12 and 13?

A Okay.

Q And what are State's 12 and 13?

A State's 12 and 13 are entry of appearances

filed by Jason May in CF-2019-12. Appropriately that's State's 12.

And then State's 13 is the same thing for CF-2019-13 here in Carter County, showing entry of appearance for Jason May. Basically, just showing that on those cases where I had filed petition for forfeiture, Jason May, a local attorney, came to the court clerk's office and filed this document to let it be known that he would be representing the claimant, the person, the claimant that that money belonged to them in these actions.

Q And, Mr. Ladd, is that the same -- this entry of appearance process -- yes. These are civil cases, but is that basically the same in criminal cases as well?

A It's standard procedure whether it's civil procedure or criminal procedure. Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 12 and 13, the entries of appearance of defendant in CV-2019-12 and 13. Those are certified copies.

MR. POND: No objection.

THE COURT: State's 12 and 13 will be admitted without objection.

Q (By Ms. Whatley) Mr. Ladd, I want to point out or I want to go to -- too bad Mr. Dismukes can't read my

mind -- I want to go to State's Exhibit 10 for a second, that was just popped up.

This would be one of the publications. This is actually the publication for CV-2019-12. On the publication, the listed address for Humberto Leon Panama AKA Jorge Luna Flores is what?

A It's 2103 Lemon Drive, Apartment B, as in boy, Austin, Texas, 78744-3523.

Q And, Mr. Ladd, is that also the same address as listed on the Petition and Notice of Seizure? You can go to State's 8 or 9.

If you'll pop up State's 8 or 9, Mr. Dismukes.

And, Mr. Ladd, is that the same address that you -- does the address in 8 and 9 match up with the address in the Ardmorite publication?

A Yes, it does.

Q Okay. So just same address, same locations, all the same things?

A Yes.

Q Okay. When you get the entries of appearance -- I've entered those, but I don't know that I've asked for permission to publish.

Your Honor, at this time I'd ask permission to publish 12 and 13?

THE COURT: You may publish.

MS. WHATLEY: Either one they are the same. At this time we are publishing State's Exhibit 12, which happens to be the entry of appearance for CV-2019-12.

Q (By Ms. Whatley) Mr. Ladd, what date was this filed on?

A The Entry of Appearance?

Q Yes.

A Sorry. February the 21st of 2019.

Q So, and then, the petitions and notice of seizure, were those filed on February the 8th of 2019?

A That's correct.

Q Okay. And then after the entries of appearance, is there a couple of additional filings within the CV case?

A Yes, there is.

Q And was there an answer that was filed in a -- in a discovery to you that was filed in close succession to the entries of appearance?

A There was an Answer of Unclaimed Property filed on February the 22nd, and discovery actions filed -- well, I don't know if they were filed or just submitted shortly thereafter.

Q Okay. In State's Exhibit 14 -- what document is State's Exhibit 14?

A Oh, gotcha. State's 14 is Respondent's First

Discovery to Plaintiff. And that was filed on February the 21st of 2019. So that would be something that was filed by Mr. May.

Q And that's filed the same day as the entry of appearance?

A Yes.

Q Okay. And that document -- is that document that you're looking at, does it have both case numbers on it?

A It does.

Q Is that, Mr. Ladd, common that if you have two companion cases, at a certain point attorneys, prosecutors, defense attorneys, all attorneys will start listing both cases numbers so that a filing gets filed in both court files?

A Yes.

Q So nothing uncommon about them making it, you know, merging that into one filing after the entries of appearance?

A Not in my opinion.

Q Okay. And then State's 14, you said that was at the first discovery to plaintiff?

A Yes.

Q And in this case, the CV cases that we're talking about, is the State of Oklahoma the plaintiff?

A Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 14 into evidence.

MR. POND: No objection.

THE COURT: State's 14 is admitted without objection.

MS. WHATLEY: And permission to publish?

THE COURT: You may publish.

Q (By Ms. Whatley) So then what we are looking at here on the screen and then in front of you is State's 14, Mr. Ladd, that's going to be the first discovery to plaintiff; is that correct?

A Yes.

Q What -- I mean, generally, what is this first discovery to plaintiff, like, what kind of document is that?

A It's a discovery document where they're -- under the discovery code in civil cases, you can ask interrogatories or questions of the other side to gather information about what the case consists of. You can also request information in the form of a request for production of documents and also request for admission --

Q Okay.

A -- which in this particular discovery document

filed by Mr. May, he asked for all three.

Q And that was filed on February 21 of 2019?

A Yes.

Q Okay. And if you move to State's Exhibit 15, what is State's Exhibit 15?

A This is a document he filed the next day, on February the 22nd of 2019. It's the actual answer, which in a civil case, if there's a lawsuit filed against you, you have a certain amount of time -- it's a little bit different in a civil forfeiture case -- to file an answer. And just say, we contest this. And that's basically what the answer is. Just saying, hey, we have an interest in that money and we don't have to subject it to forfeiture.

Q And the State's Exhibit 15, is that the Answer and Claim to Property that the defendant filed in CF-2019-12 and 13?

A Yes.

MS. WHATLEY: Your Honor, at this time, the state moves to enter State's 15 into evidence.

MR. POND: No objection.

THE COURT: State's 15 is admitted without objection.

MS. WHATLEY: And permission to publish?

THE COURT: You may publish.

Q (By Ms. Whatley) And so on this -- this Answer and Claim to Property, is this pretty standard language would you -- would you say?

A Yes.

Q Okay. Just in terms of, we're gonna assert our claims so we don't get any sort of default judgement?

A Right.

Q Now, is this answer and claim, does it come with any sort of verification?

A It does.

Q And where would that be?

A I believe it's on page 3.

Q And in civil cases is that -- obviously, they're different from criminal cases. What's the purpose of a verification?

A Because sometimes, you know, if you're representing someone, they're gonna tell you certain things are true and correct -- and you don't really know. So you just -- you ask your client, You need to sign off on this to verify it's true and correct.

Q Do you have more experience with that now in your tenure in the private sector as an attorney than you did as a district attorney?

A I do.

Q Okay. And we can see a verification on this

page. It's still State's Exhibit 15, but it's the very last page of State's Exhibit 15; is that correct?

A That's correct.

Q And is it usual that there would be -- on a verification page -- some sort of notary?

A Yes.

Q And what's the purpose of the notary?

A Just to ensure its integrity.

Q And what do notaries do?

A Well, they verify that the person that is signing the document is who they say that they are. They require them -- the notary requires them to present some proof that you are in fact, in this case, Jorge Flores.

Q And it looks on this verification on State's Exhibit 15, that is dated as the 19th day of February 2019, and that this document was filed --

If you'll scroll up. Scroll up.

-- on the 22nd of February 2019?

A That's correct.

Q If we move to State's Exhibit -- I'm gonna pause there for a moment.

When you first start getting these documents in this case, is that kind of the normal course of business for forfeiture cases that you were involved in, in your

tenure at the district attorney's office?

A Which documents exactly?

Q Like the answer and claim, the Motion For Discovery, are all those kind of normal course of business or how would you describe that?

A Well, I would say yes and no.

Is State's 15 in evidence?

THE COURT: State's 15 has been admitted.

A Okay. Yeah. It's very common to have Entry of Appearance and an answer to claim the property. It's very common to have interrogatories or discovery served upon you at some point in the case.

It was very unusual to get discovery questions before they even filed their answer. Not that it's a huge deal, maybe, it's just being zealous, but a little unusual to have discovery served before the answer?

Q Yeah. And "unusual" not something you saw all the time?

A Well, in our forfeiture cases. This was a -- for this type of discovery this quickly, that was -- that would be unusual, but as far as civil procedure goes, no not necessarily, just in other cases.

Q And then after these first types of this very -- these very initial filings are happening, is there something that you do where you request for

specific information from the respondent?

A Yes. We filed our own discovery.

Q And did you do that once you received the Motion for Discovery from the defendant?

A Yes. I saw that, you know, he wanted to engage in discovery. It's a two-way deal. The law allows it to be a two-way deal, so I thought that was the appropriate time to go ahead and say, okay. We don't mind answering your questions, but we've got some questions of our own for you.

Q Okay. And then whenever you started in that discovery process, was there a period of time where you received some answers to your discovery requests?

A Yes.

Q Now, I want you to look at State's Exhibit 16 for a moment.

A Okay.

Q And what is State's Exhibit 16?

A This is The Respondent's -- or Jorge Flores -- Response to the Petitioner's First Set of Interrogatories, Request For Production, and Request For Admission.

Q Now, State's Exhibit 16, does that appear to be filed stamped like the other documents that we have been discussing?

A No.

Q And is there a reason why that would not be file stamped?

A It's optional. I think it is pretty common in civil practice to not file those. Me, being kind of a novice at the time in regards to civil procedure, I filed mine, I guess, to be transparent. I went ahead and filed them with the court clerk so that everybody can see them.

It's not necessarily required they file them, what their answers are, but they did answer the questions that I posed to them for discovery, and this is their answers that I'm looking at.

Q Okay. And there's nothing -- I guess my question would be, like, wrong that they're not filed --

A No. It's --

Q -- that their responses are not filed?

A No.

Q And would you know the date that you received the answer to your request for discovery?

A Well, it would have to be after April the 27 of 2019, because there's another verification on these answers to our interrogatories of April the 27 of 2019. So sometime after April 27.

Q The interrogatories that are in front of you as

State's Exhibit 16, do you recognize those as the pleading that you received from the defendant in CV-2019-12 and -13?

You -- this is a huge pregnant pause, Mr. Ladd. I'm just gonna -- I'm just gonna -- for the purposes of record, are you reviewing that to make sure it's something you've written before?

A I am. It looks pretty familiar. I believe this is the response that was given to me, provided to our office, by Mr. May on behalf of Mr. Flores.

Q And were you able to review that by reading the responses that you were familiar with?

A Yes. That's what I was looking for.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's Exhibit 16 into evidence, which based off prior testimony of Mr. Ladd, is not going to be a certified copy because it was not filed in the court file.

MR. POND: No objection.

THE COURT: State's 16 is admitted without objection.

Q (By Ms. Whatley) There were a couple of things that you --

And permission to publish, Your Honor?

THE COURT: You may publish.

Q (By Ms. Whatley) I know you're in the middle of looking at that, and I promise I'm not trying to do this to you on purpose. You had two exhibits that you had put off to the side that were the docket sheets.

If you could pull up the docket sheet for CV-2019-12 which is State's Exhibit 6.

A Okay.

Q Could you tell from the docket sheet what date, you, as the state, would have filed your request for discovery as the petitioner in those civil cases?

A Yes. March the 22nd of 2019.

Q Okay. So you file your request on March 22 of 2019. And then in State's Exhibit 16, at least the verification on the last page, shows the date of April the 27th of 2019?

A Yes.

Q Okay. There are a couple of specific things I think that you were looking at in the interrogatories, to jog your memory that it was the same document that you had previously seen; is that correct?

A Several things, but yes.

Q Okay. What was the -- have you found any of those things when you were reading the document?

A Well, if I --

Q I'm gonna highlight Interrogatory No. 5. I

think that -- I'm not quite sure the page that's on since the pages aren't numbered, but I think the interrogatories and responses may be numbered. Can you go to Interrogatory No. 5?

A Yes.

Q And is there any particular information -- just so everyone is aware -- I should probably ask you what an interrogatory is in case people don't know what that is.

A It's a huge discovery tool in civil practice where you ask a series of questions. I believe you're limited to 30 questions -- 30 interrogatories -- that, you know, you want to use those questions to ask about things that you think would be relevant to know if you're on the other side.

And that's why was looking over these so carefully, I want to make sure -- these aren't -- haven't been filed, so I haven't had a chance to review them, haven't seen them in a couple years, I would assume. But, I mean -- so the interrogatory is another word for a question.

So in this one, we had asked 27 interrogatories. You know, one of the questions I asked, pretty commonsensical stuff.

No. 4: Explain the reason for keeping and

transporting more than $357,000 of the respondent's currency in the hidden compartment in the vehicle in which you were stopped.

His response was: I do not trust banks, which is why I kept the cash in my vehicle. I had this thing with my nephew, and I did not trust him to keep the money in his house. I let him know that I had it. Keeping it in the hidden compartment seemed like the safest place to keep it.

Q Is that one of the responses that you recall, like, that you remember stood out to you or?

A Not necessarily. After I read it now, I -- I remember, but I think you asked about No. 5.

Q Yes. In No. 5, was there particular information about Jorge Flores's employment?

A Yes. In Interrogatory No. 5, I asked about his employers. He said that -- to explain how he has so much money.

He said, "I've been self-employed for more than the last five years. I am a farrier by trade and also clean stables and do general ranch-hand work."

Q Mr. Ladd, do you know what a farrier is?

A Someone that shoes horses.

Q Okay. And that's what he said he did for work. Outside of Interrogatory No. 5, was there another

portion of the response to this that you recall as standing out to you?

A Well, I think No. 6 was also about being a farrier, but yes. There were some responses.

Q Was there a response to specific information about Social Security numbers and addresses within the last five years on Interrogatory No. 8?

A Yes.

Q And was there a response to Interrogatory No. 8?

A Yes.

Q What was the response?

A Well, the interrogatory was: State for yourself and your spouse, if applicable, all prior names, including aliases or nicknames, Social Security numbers, visa, or green-card numbers, current address, and all addresses within the last five years.

Q And what was that response to that interrogatory number?

A I am not married. I do not have a Social Security number, visa number, or green-card number.

And I have been known by the following names within the last five years: Humberto Panama and Jorge Flores.

Q Is there also -- if you go to Interrogatory No. 10, where it says, "Explain in details, your

intended use for the currency."

Was there a response to that question?

A Yes. His response was: "I had been saving the money for a long time. My hope was to one day buy some property near Austin, Texas, because I have family there.

Q Okay. And then if we move forward to a interrogatory that is numbered 27. It's gonna be a couple pages. The question in that interrogatory posed by -- that would be a question posed by you in the discovery; is that correct?

A Yes.

Q And that question is: "Set forth the physical address for any residences you have maintained or otherwise shared with a spouse for five years, and state whether you have owned or rented these residences, and if you own them, the approximate value of such residence."

A Yes.

Q What was the response?

A His response was: "I have not had a residence in the last five years. I currently receive mail in Austin, Texas, at my stepdaughter's -- at my step daughter, Maria's, house. My occupation requires that I go where the work is."

Q And then there's other -- other questions and information that would be contained in State's Exhibit 16 -- I believe -- is it State's Exhibit 16 -- I don't --

A Yes.

Q -- want to get the exhibit wrong.

And then similar to the answer and claim, is there a verification page for this document?

A Yes, there is.

Q Before you get to the verification page, is there a signature page that would be the signature for the attorney?

A Yes.

Q And do you see that on the page before the verification in State's Exhibit 16?

A I do.

Q And is that the signature of Jason May?

A Certainly appears to be.

Q Okay. And you've seen his signature a lot?

A A lot, yes.

Q Over the years that you practiced as a district attorney?

A Yes. It appears to be his signature.

Q If you go to the verification page for this document, that's where you were getting the information

about at what time this was verified; is that correct?

A That's correct.

Q And same thing as before, in terms of just verifying that the information in this document is true and accurate?

A Yes.

Q Now, in the discovery practice for civil cases, could you explain, like, how would that -- how would that work, in terms of getting information from your client?

A Well, what we do at our firm is if interrogatories or civil discovery is requested of us, whether it's interrogatories or requests for production or request for admissions, we send a copy of that to our client, and they make notes on what our answers would be, and then or paralegal would type that into a form, just like this one -- where you have the question that was posed, and what the response it is, then you send it back and you have them verify that that's true.

Q Now, if they are local to Ardmore -- in your -- in your experience now in private practice, if they were local to your area, did they come into the office to sign the verification page?

A Yes.

Q Does your office, the law office that you -- I

apologize, because I don't know. Do you work there, employee, partner or what?

A I'm one of the attorneys there --

Q Just a -- okay.

A -- and we have several paralegals --

Q Okay.

A -- and there are notaries.

Q In your office, do you employ -- do some of your employees have notaries?

A Yes.

Q And would they notarize your client's signatures in these types of discovery issues?

A It's fairly common, yes.

Q And they are local?

A Yes.

Q If you can go to State's Exhibit 16, what is State's Exhibit 16 -- sorry. Not State's Exhibit 16. I'm so sorry. State's Exhibit 17.

A This is a Notice to Take Deposition.

Q And who filed -- or who is the person that is requesting -- or the party that's requesting the Notice to Take Deposition?

A That was something I filed on July the 5th of 2019, requesting to depose Mr. Flores. And what that would be, -- a deposition is they come in and you take

testimony from them. There's a court reporter there -- like Ms. Wilkerson here -- taking down everything that's said in the deposition. It's yet another discovery tool that's available in a civil practice, you know, in addition to the interrogatories, requests for production, and request for admissions.

If you want to go a step further, you can do a deposition. So this was my effort to get Mr. Flores to come in so that we can him more ask questions.

Q Now, at that point in July of 2019, when you -- when you filed that -- well, is that a true and accurate representation of what you filed in CV-2019-12 and 13?

A Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's Exhibit 17 into evidence.

MR. POND: No objection.

THE COURT: State's 17 is admitted without objection.

Q (By Ms. Whatley) And, Mr. Ladd --

And permission to publish, Your Honor?

THE COURT: You may publish.

Q (By Ms. Whatley) Mr. Ladd, is there -- 'cause we're talking about date -- file date on this is July the 5th, 2019, so we are well past February 8 of 2019 when it was originally -- when this petition was

originally filed.

Is there -- do you have knowledge if there is something going on with the man Humberto Panama AKA Jorge Flores in terms of any court dates he has missed?

A Yes. I think he failed to appear at his initial appearance. I believe he was cited for a traffic offense. I believe, maybe, driving with a fake driver's license, something like that. Whenever he was still known as Humberto Panama Leon [*sic*], and I think a warrant had been issued because he made bond and never came back.

Q And, at this point in 2019, as these filings are happening in these civil cases, is there -- has there been, like, a court date where all parties would be present, or have these filings that have been viewed so far, and entered as exhibits, are those just things -- I say, "things that are happening" -- but filings that are being made without a particular court date?

A Everything we're talking about so far are just filings without court dates. I do recall being in this courtroom having a motion to suppress. I don't remember when that hearing took place. I don't know if that was before or after July 5.

Q Okay. And would reviewing the state's docket

sheet -- the State's 6, the docket for CV-2019-12, Mr. Ladd, would that help refresh your memory to figure out exactly when the motion to suppress hearings were happening?

A I see that there was an order setting it for a hearing, entered on May the 24th of 2019, but I'm not seeing where the hearing date is.

Q Do you recall being present in the courtroom during the motion to suppress hearing?

A Yes.

Q And which judge was that in front of?

A It was Judge Morris.

Q And you said it was this courtroom?

A Yes.

Q Is this usually Judge Morris's courtroom?

A It is.

Q Was the defendant, Mr. May, present?

A Yes.

Q And was testimony taken?

A Yes.

Q Do you know how many witnesses were called, if you remember?

A I believe Eric Grisham, maybe Jared Johnson too, but I'm not sure.

Q Okay. And that would be -- at least the order

setting the hearing is somewhere in the docket sheet. You said that was the May 24, 2019, order setting hearing?

A Yes. May 24.

Q Okay. And was the hearing supposed to be on May 24?

A Well, I take that to mean that's when Judge Morris filed his order saying it was going to be set for hearing at some later date.

Q Is that typically what Judge Morris would do?

A Yes.

Q And at some point, you recall having the actual hearing?

A Yes.

Q Okay. Just not exactly sure if the order came out before the notice for physical -- or for Notice of Deposition, which is State's Exhibit 17?

A That's right.

Q Okay. But the order came out for the hearing at least some time in May of 2019 --

A Yes.

Q -- setting it? Okay. Now, in terms of Judge Morris, like, if you have a hearing on a motion to suppress, would the order -- would the judge's order for that hearing come out that same day that you had the

hearing?

A No.

Q And why is that?

A My recollection in this case is that I believe that Eric Grisham and Jared Johnson did testify. I'm certain that Eric did. I believe Jared did as well.

And then, I believe, he took it under advisement, and gave Mr. May and myself an opportunity to file briefs in support of our positions why, in his opinion, the evidence or money that was seized should be suppressed because of allegations he was making, and I had an opportunity to respond.

So no big surprise. The way that legal research works is, that you take the facts in your case and you look for other cases from higher courts, where they've had similar situations, and you argue how those cases are on point.

And so Mr. May filed a brief. I filed a brief, and then I believe Judge Morris made a ruling sometime thereafter.

Q I want to draw your attention on that docket sheet to the date of March 25 of 2019. Do you see any entries in 2019 on this docket sheet on State's Exhibit 6?

A I do.

Q And what would the entry on March 25 of 2019 be?

A That is Mr. May's motion to suppress evidence.

Q And then I want to draw your attention to an entry on the date of June the 26th of 2019. Do you see an entry for that date?

A I do.

Q And what's the entry of something that was filed that date?

A That would be my response to Mr. May's motion to suppress.

Q Okay. And then we have already talked a little bit and we've already admitted State's Exhibit 17, which is the Notice to Take Deposition on July the 5th, 2019.

Now, these -- the suppression issue, was Jorge Flores -- or Humberto Panama AKA Jorge Flores, was he present at the motion to suppress hearing?

A No.

Q And then what prompted you, as a representative of the State of Oklahoma, to file this Notice to Take Deposition on July the 5th of 2019?

A I had more questions to ask him besides the 30 that were permitted per our interrogatories.

Q And when you file the Notice to Take Deposition, what sort of -- I mean, like, what

information do you, like, have to say? What's required?

A To file a Notice of Deposition?

Q Yes.

A Just to make his attorney aware that we're wanting to bring his client in for a deposition to ask him questions, and we also want to do a physical examination of him to make sure it was the same guy the money was taken from.

Q And you filed a notice of physical examination as well?

A Yes.

Q And would you turn to -- in the notebook there -- State's Exhibit 19.

A Okay.

Q What is State's Exhibit 19?

A Is the notice of physical examination that we filed -- or that I filed on July 15, 2019.

Q And is that in these same cases -- and is that the notice of physical examination that you just referenced?

A Yes.

MS. WHATLEY: Your Honor, at this time, the state moves to enter State's Exhibit 19 into evidence.

MR. POND: No objection.

THE COURT: States 19 is admitted without

objection.

MS. WHATLEY: And permission to publish?

THE COURT: You may publish.

MS. WHATLEY: Let's pop up 19. Yeah.

Q (By Ms. Whatley) Now, Mr. Ladd, this was filed -- the Notice to Take Deposition was filed on the 5th of July of 2019, and then the 15th of July of 2019 is when the notice of physical examination was filed.

You've already testified what the purpose of the notice of deposition was. I do want to ask if that's a normal, like, depositions are a normal procedure in civil cases?

A Absolutely.

Q In fact, was Eric Grisham deposed for this case?

A Yes.

Q In the civil forfeiture cases?

A That's right.

Q And was that notice of deposition -- was that done at the request of the defendant, Jason May?

A It was.

Q And then, what was the purpose for the notice of physical examination in State's Exhibit 19? Why did you file that?

A Because I was -- I was skeptical about whether

or not the person that Mr. May said he was representing was the guy the money was seized from.

Q Okay. And how would a physical examination -- how would that help in your skepticism?

A Eric Grisham had taken several photographs on the side of the road whenever they seized the money whenever they pulled him over, and we knew what tattoos he had. We had book-in photographs of him.

It would be easy enough to figure out within a matter of less than a minute, if we could get him in a room, whether or not this was the same guy that the money had been seized from.

In my opinion, my understanding of search and seizure law and the 4th Amendment, is you have to show standing. So I thought it had some significance. Also, in that, I wanted to use it to bolster my response in our motion to suppress. So I thought it had some application in there.

So there was a -- in my opinion -- a question as to whether or not this was the same guy. I just wanted to get him in the room so we can see if it's the same guy. It would be pretty quick.

Q And between those two filings, the Notice to Take Deposition and the notice of physical examination, did the defendant, Jason May, file a motion basically

objecting to the deposition? That would be State's Exhibit 18, if you could look at that.

A Yes, he did.

Q And what date was that filed on?

A July the 10th of 2019.

Q And is that document you're looking at a true and accurate representation of the Defendant's Motion to Quash the Notice of Deposition? And, basically, that's just an objection to the deposition.

A Yes, it is.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's Exhibit 18 into evidence.

MR. SWAIN: No objection.

THE COURT: State's 18 is admitted without objection.

MS. WHATLEY: And permission to publish?

THE COURT: You may publish.

Q (By Ms. Whatley) Mr. Ladd, within this document, State's Exhibit 18 -- and obviously this is a filed court docket where there's a lot of information.

But what was the -- what was the main reason that the defendant, Jason May, was objecting to the deposition?

MR. POND: Objection to the characterization "main." She's trying to put thoughts into my client's

head.

THE COURT: Objection is sustained. You may rephrase.

Q (By Ms. Whatley) What was the reason that Mr. May was objecting?

A There are a few reasons, but one was that he claims service wasn't proper.

Q Outside of service, was there another reason that the defendant, Mr. May, was objecting?

A That his client was an illegal alien and would be deported.

Q Was there specific information within this pleading under, "respondent cannot legally attend."?

A Yes. Mr. May maintained his client, respondent, Jorge Flores, was a resident of Juárez, Mexico, in the state of Chihuahua, and we cannot compel him to attend a deposition in Carter County.

Q So he's out of the country and cannot be here essentially; is that correct?

A Well, there's some rules in regards to depositions about where you can have a deposition -- if you're a party -- that I believe it can be where the action was filed, and he was making an argument that he wasn't necessarily a party, but rather a claimant.

Q There's a page on this response. I think that

you had alluded to this when you were reading State's Exhibit 19 -- I'm sorry. Not 19 -- State's Exhibit 18 -- excuse me -- where you were, I think, maybe, looking at the last page there, the certification?

I think you have 18 in your hand.

A I do. I have 18 in my hand.

Q There's a certification. I think it's maybe the next to last page or last page.

A Yes.

Q Were you -- this information about Juárez, Mexico, is that contained in the certification?

A It is. It's No. 4 on his certification, states: That respondent is currently a resident of Juárez, Mexico.

Q Are there other certifications that are made in that certification related to the defendant's contact with his client, Jorge Flores?

A Yes.

Q What would those be?

A I advised respondent to leave United States and return to Mexico based on his previous status as an unlawful resident. I have been in regular contact with respondent via mail and telephone.

Q And then there's other -- other things about

ways to do depositions where --

A Yes.

Q -- where his client doesn't have to come to the United States?

A Right.

Q And that was July the 10th of 2019 when that was filed?

A That's correct.

Q And then the Certificate of Mailing, all of that, is the same -- the same day -- same date that it was filed, July the 10th of 2019.

A Yes, it is.

Q And then if we go to State's Exhibit 20, what is State's Exhibit 20?

A It's a -- it's a motion that Mr. May filed in response to our notice for physical examination entitled "Motion Objecting to Petitioner's Notice of Physical Examination."

Q And what date was that filed on?

A July 19.

Q And is that a true and accurate representation of the Defendant's Objection to the State's Notice of Physical Examination?

A It is. And it's July 19 of 2019.

MS. WHATLEY: Your Honor, at this time,

state moves to enter State's Exhibit 20.

MR. POND: No objection.

THE COURT: State's 20 is admitted without objection.

Q (By Ms. Whatley) Mr. Ladd, when those objections are filed for your Notice of Deposition and Notice For Physical Examination, are they, like, immediately ruled on? Is there a court hearing where the judge would determine, you know, you filed this motion. The defendant filed this motion. Here's a ruling?

A Not in this case, no.

Q Was there a ruling in the calender year 2019 as it relates to the state or your motion to take deposition and your notice to take a physical examination?

A I don't believe so.

Q Was there a ruling on those matters in the calender year 2020?

A I don't believe so.

Q Was there a ruling on those motions in the calender year 2021?

A I don't believe so.

Q Okay. When the Notice of Deposition has a particular date to take the deposition, did that

deposition happen? You filed a notice to take deposition, State's Exhibit 17. Did that actually happen?

A No.

Q Other than your notice to take a deposition and a physical examination, and the defendant's objections to those, was there any resolution to that?

A No. He -- he never appeared.

Q Okay. And there was never -- I say, "never" -- up and through calender year 2019, 2020, and 2021, there was still no ruling on those motions; is that correct?

A That's correct.

Q In civil cases, is that normal? Is that normally how civil cases would progress?

A Normally, what you would have to do is go to the judge and say, "Here's an order. Can you set this for a hearing?" And I don't know that that was done.

Q Was there --

A And when I say -- I'd have to go to Judge Morris and say, "Hey, set this for a hearing, please."

I don't know that that was done. I think it was done later on maybe whenever Ms. Handke, who was my first assistant district attorney at the time, and is now the current district attorney, had filed -- had renewed her motion or filed another motion to compel

him, and to get an answer out of the judge -- for lack of a better term.

Q So it's not like, you know, a court date or something -- this court date was set, and then you come in and you argue these motions -- it wasn't necessarily before the Court?

A That's right.

Q Was there something that occurred in the summer of 2021 -- State's Exhibit 21, if you'll turn your attention -- that you decided to file?

A Yes.

Q And what did you decide to file at that time?

A I filed a motion to set this case for a jury trial.

Q And what date was that?

A Filed on June the 11th of 2021.

Q And is that a true and accurate representation in State's Exhibit 21 -- of the motion that you filed to set these two civil cases for jury trial?

A It is.

MS. WHATLEY: Your Honor, at this time, state moves to admit State's Exhibit 21 into evidence.

MR. POND: No objection.

THE COURT: State's 21 is admitted without objection.

MS. WHATLEY: And permission to publish?

THE COURT: You may publish.

Q (By Ms. Whatley) And, Mr. Ladd, it looks like filed June 11, 2021, and then if we go down to the bottom, this motion also contains an order; is that correct?

A That's correct.

Q Would that be a normal way of filing these types of motions for hearings?

A It would be.

Q So you filed a motion and the order on the same page?

A We did.

Q And is that to allow the judge to set it when you hand it to him?

A That's correct.

Q And then based off the motion, is there something that Judge Morris does?

A Yes. I believe he set this for what's called our jury trial docket call -- that's not exactly the jury trial date -- on July 19. Jury trials happened in August, but he set it for docket call.

And my motivation to set it for jury trial was to kind of get the case off high center, because it had been pending over two years, two-and-a-half years. I'm

not -- let's do something on this case. Let's just set it for jury trial and put on our case.

Q And at least with a civil case -- I don't want to say "back on the docket" -- but to get it moving in a way that there can be decisions based off all these motions that had been filed?

A Yes.

Q Now, I talked to you about the Notice of the Physical Examination and the Notice to Take Deposition and when those were -- that those were in July, I believe -- they were in July of 2019.

Were there other motion practices that were happening -- I say "motions" -- were there other motions being filed between that time, and responses between yourself and the defendant, Jason May, since 2019, when you originally filed the motions to take the deposition and the physical examination?

A Yes. There were quite a few.

Q And were those motions that would be filed, and then responses that you would file back; is that correct?

A That is correct.

Q And -- but had there been any -- any decision -- any orders made? Had the judge made a decision on any of those motions either?

A No.

Q So these are things -- at least in that docket sheet in State's Exhibit 6 -- that would be being filed, but nothing is being ruled on -- is it safe to say nothing is being ruled on by the Court?

A That's correct.

Q So these things are being filed in the official record, but there's really no movement from a decision standpoint?

A Right.

Q Okay.

A Like, I believe Mr. May filed a couple motions for summary judgement. I filed responses to those. They were very lengthy pleadings -- just an example, but --

Q Okay.

A -- but nothing was ever ruled on.

Q Okay. So things are being filed, but, again, there's still no ruling on these motions, some of which had been pending since 2019; is that correct?

A That's correct.

Q And then you file State's Exhibit 21 and it gets set for the docket call?

A Yes.

Q And then is there something that happens after

that, in State's Exhibit 22?

A Yes.

Q And what is State's Exhibit 22?

A Mr. May filed a Waiver of Jury Trial and Personal Appearance on August the 10th, 2021, on behalf of Mr. Flores.

Q Is there any -- is that a true and accurate representation of at least the document that you were provided for the Waiver of Jury Trial and Personal Appearance?

A Yes.

Q And is that in CV-2019-12 and -13?

A Yes.

MS. WHATLEY: Your Honor, at this time, the state moves to enter State's Exhibit 22 into evidence.

MR. POND: No objection.

THE COURT: State's 22 is admitted without objection.

MS. WHATLEY: And permission to publish?

THE COURT: You may publish.

Q (By Ms. Whatley) Mr. Ladd, while we're getting that on the screen, you had -- State's Exhibit -- sorry to keep going back and forth on you.

State's Exhibit 21, the motion and the order that sets this case on the jury call docket, it was supposed

to be set on jury call docket for what date?

A July the 19th of '21.

Q Is there anything on the docket sheet that shows something happened on July 19, 2021?

A No.

Q Do you recall anything happening between July 19, 2021, and the waiver of jury trial that was filed as State's Exhibit 22?

A I believe he filed a motion in limine on June the 28th.

Q But that would have been before the docket call, correct?

A Yes.

Q So June 28 of 2022, there is a motion in limine that's filed. Is that -- in simple terms, is that basically a trial motion that you would file, and a judge would make a decision about what's appropriate for a jury to hear?

A Yes.

Q A motion that's usually filed leading up to trial?

A When you think a trial is in close proximity.

Q Okay. So that's filed June 28, which would be after you filed your motion for a jury trial and after the order for the July call docket -- July 19 call

docket?

A Right.

Q But do you see any entries on or around July 19 of 2021?

A No, I don't.

Q Is that common?

A No. I'm not sure what happened and I don't recall.

Q What happens at call docket?

A If you have a case set on the jury trial docket, you appear, and you make an announcement whether you want a trial or whether you've reached a resolution.

Q And are there a lot of cases that are set on the call docket?

A Yes.

Q And are they, like, cattle call all in the courtroom?

A Yes. The courtroom would be full.

Q And is that every single case that would be on the call docket for that term?

A That's correct.

Q How many terms -- how many jury terms are there in Carter County -- or were there in 2019 a year?

A Four.

Q So they get -- do they get pretty backed up?

Are these pretty full dockets?

A Yes. The dockets are pretty full, but usually -- it's rare for cases to go to a jury trial.

Q And in that -- on that July 19, the call docket, is that -- does that include criminal and civil cases, like, all cases that could be set?

A It does.

Q Okay. And are there things that happen after that, in terms of dates or plea or things like that, that would -- that would happen after that date?

A Right.

Q The July 19 --

A Like if it was a criminal case, they might say, "We've got something worked out. Can you give a us plea date? We'll come back, enter a plea of guilty, and waive their rights."

Or if there's some pretrial motions, you would have those addressed by the Court before you went to trial.

Q Okay. But do you -- do you remember or have any knowledge about what happened after the July 19 -- in between the July 19 call docket and this waiver of jury trial, do you remember?

A I don't. I mean I -- I -- I would -- looking at what these pleadings say, based on my experience, I would say that Mr. May was gonna waive jury trial. And

we'll execute you a waiver soon. It's not something that needs to be on the jury trial. Because subsequent to the docket call, he submitted a waiver of jury trial.

Q And usually in criminal cases, how would those waivers of jury trial -- how does that happen?

A Well, we go --

Q In a criminal case.

A It's a little bit different in a criminal case. I mean, it's more, I guess, considered more serious, and so we would have a court reporter, and you have a form that they look over, and they sign off in writing, saying they're waiving their right to a jury trial.

Q And is the defendant usually present for that?

A Absolutely.

Q And you said different in a criminal case because of that?

A Yes.

Q Do you -- in terms of civil cases and civil forfeiture cases, was it a usual practice to have, like, an attorney waive their client's appearance and waive jury trial in this way without appearing in court?

A It's hard for me to say what would be unusual, because this was an unusual circumstance. Our civil cases were never this highly contested or involved this many pleadings or this length of time, so I can't tell

you what was really usual, you know, for them to try their case with their client not being here.

Q This specific court document, the Waiver of Jury Trial, this just contains two signatures. It contains a signature line for a Jorge Flores and a signature line for the defendant, Jason May; is that correct?

A That's correct.

Q And this one doesn't necessarily -- I mean, it doesn't contain a verification or a notary like some of the other documents?

A That is correct.

THE COURT: I'm gonna interrupt. Counsel. At this time we are going to take an afternoon recess. We will break for 15 minutes. I will remind you all of my rule: Do not discuss this case with anyone or allow anyone to discuss this case with you. If anyone attempts to do so, please report it to me immediately.

We will start back at 3:15. Everyone remain seated as the jury exists the courtroom.

(Jury recessed.)

THE COURT: All jurors are outside of the courtroom. Counsel, is there anything we need to address before we recess for the break?

MR. POND: No, Your Honor.

MS. WHATLEY: Nothing from the state.

(Recessed.)

THE COURT: We are back on the record. All jurors, counsel, and parties are present. Mr. Ladd is still on the witness stand.

And, Ms. Whatley, you may inquire.

MS. WHATLEY: Thank you, Your Honor.

Q (By Ms. Whatley) Mr. Ladd, we left off on State's Exhibit 22, which was that Waiver of Jury Trial and Personal Appearance around -- I believe it was around August the 10th of 2021.

Was there something that kind of happened that you had your staff do after that to get things kind of moving?

A Yes.

Q Okay. And what do you recall what that was?

A Asked Ms. Handke to file some sort of a motion to compel Mr. May to produce Mr. Flores.

Q And would it be helpful for you to look at the docket sheet for the CV cases to determine around what time frame that document was filed?

A Yes. I believe August the 30th of 2021.

Q So not long after the waiver of jury trial?

A Yes.

Q Okay. And that was basically a motion to do what?

A For an order from the Court compelling deposition and examination of respondent.

Q And did that get things moving?

A Well, not -- not exactly.

Q Was there something that happened -- an order that came out after the motion that you had Ms. Handke file?

A Yes.

Q And when did the -- when did that order come out from Judge Morris?

A July the 11th of 2022, so about 11 months later.

Q So the motion that you had Ms. Handke file is in August after the motion for jury trial, and then finally there's an order of July 11 of 2022; is that correct.

A Yes. And the docket sheet does indicate that whenever we didn't have any kind of response from the Court on Petitioner's Order For Compelling Deposition and Examination of the Respondent, that Ms. Handke followed that up with the petitioner's motion and order to set it -- the Motion to Compel Deposition and Examination of the Respondent for a hearing with an

order that was filed.

And then Judge Morris issued a ruling on that motion to compel Mr. May's client to appear for deposition and examination. He issued an order on July the 11th of '22, so about eleven months after we filed a motion to compel.

Q So June 11th, 2022, is finally when there's some sort of order related to -- hey, deposition -- your client needs to show up for deposition and physical examination; is that correct?

A That's correct.

Q Okay. Other than just, you know, it taking that long to get a ruling, was there anything else that was happening in terms of pleadings or was it just waiting to get that ruling?

A Just waiting for that ruling.

Q Okay. Is there anything else that can really be done until you get rulings on those matters?

A No.

Q And then is there something that your office filed after you got that ruling on July 11th of 2022?

A Yes. On September the 26th of 2022, we filed a Notice To Take Deposition.

Q And if you could look in that book to State's Exhibit 26, is that the Notice to take Depo -- is that

the Notice to Take Deposition that was filed after you got the ruling?

A Yes.

Q And so the ruling allowed the deposition to move forward?

A That's correct.

Q And so then after that, then your office files this notice to -- "Hey, now you gotta really show up. Judge's order says so."?

A Yes.

Q And is that a true and accurate representation of the Notice to Take Deposition that was filed in CF-2019-12 and -13?

A Yes. On September the 6th of 2022, and it scheduled -- the deposition was scheduled for Friday September the 23rd of 2022, beginning at 2:00 p.m.

Q Okay.

MS. WHATLEY: And, Your Honor, at this time state moves to enter State's 26 into evidence.

MR. POND: No objection.

THE COURT: State's 26 is admitted without objection.

Q (By Ms. Whatley) Now, was there something in between filing the Notice to Take Deposition on September the 6th of 2022, were you aware of any other

pleadings in other cases that had taken place in relation to this case?

A Yes.

Q How were you aware?

A I don't remember exactly how I became aware of pleadings in a probate case, but I did.

Q There was -- is there also a filing that occurs -- filings that occur in the civil forfeiture case after you instruct Ms. Handke to file what has been -- what is State's 26?

A Yes.

Q And you had already told us State's 26 was filed on September 6, and that deposition was to take place at the end of September; is that correct?

A That's correct.

Q And then in State's Exhibits 27 and 28 -- can you take a look at those?

A Yes. I'm looking at State's 27 and State's 28.

Q Okay. And are those filings within the civil forfeiture cases of 19-12 and 13?

A Yes.

Q And were those -- when -- State's 27, what is that?

A That is a Suggestion of Death that was filed by Mr. May claiming that Jorge Flores was deceased now.

Q And what was the date of the filing of that?
A September the 14th of 2022.
Q And did you receive a copy of that?
A Yes.
Q And is that a true and accurate representation of the Suggestion of Death that was filed in that case?
A Yes.
MS. WHATLEY: Your Honor, at this time the state moves to enter State's 27.
MR. POND: Jacobi.
MS. WHATLEY: Yep.
(Counsel confer.)
MR. POND: May we approach, Judge?
(The following bench conference was had outside the hearing of the jury:)
MS. WHATLEY: Can you hand me that?
(Witness hands counsel document.)
MR. POND: Do you have a copy?
THE COURT: I do.
MR. POND: The page two, the verification of death, there's been some testimony already from the guy at the nursing facility, and he doesn't know the difference between a verification of death and death certificate, so unless this person or somebody from this agency can specifically testify about this, this is

hearsay and would violate confrontation issues if this gets admitted.

THE COURT: Do you have a response, Ms. Whatley?

MS. WHATLEY: Yes, Your Honor. This is part of a pleading that was filed by the defendant with an attached exhibit. Number one, it doesn't make sense without the attached exhibit. This is what he filed. This is what he says is true and accurate. I would argue that it's not hearsay as an adoptive admission, because, he, as the person signing this, has manifested an adoption of belief in its truth.

Also, as the attorney representing this person, if you go into non-hearsay under subsection C, it's a statement by a person, authorized by the party to make a statement concerning the subject in his representation for Jorge Flores in this matter.

So I don't believe it's just non-hearsay by definition, under definition 12 O.S. B, big "b", to little "b", and then "c" as well.

MR. POND: And it doesn't cover the confrontation issue because there's no explanation for it since the other guy said he doesn't know the difference between death certificate and verification. It's going to be a confrontation issue. It's going to

confuse the jury so we need someone to sponsor and authenticate that, if the state wants to admit that.

THE COURT: State's Exhibit No. 27?

MS. WHATLEY: Yes.

THE COURT: It's admitted over objection.

And, for the record, your objection is noted, Counsel.

(Within hearing of the jury:)

MS. WHATLEY: And permission to publish State's Exhibit 27, Your Honor?

THE COURT: You may publish.

Q (By Ms. Whatley) Mr. Ladd, State's Exhibit 27, which is the Suggestion of Death, filed on September 14, 2022, what information does that contain?

A Well, it's a claim by Mr. May that Jorge Flores, that he allegedly represented in the CV-2019-12 and 13, is now deceased.

Q And is there any sort of -- it looks like there's something that says it's an exhibit -- a verification of death is attached to that?

A Yes. There's a Verification of Death from the Texas Health and Human Services, apparently, that basically says that there's a death record file for a Jorge Flores who died -- or was deceased on April the 20th of 2022, in Cameron County, Texas.

Q And you received this pleading?

A Yes.

Q Okay. Do you recall whenever -- I mean, I'm not exact dates -- sometime after September the 14th, was there anything -- did anything stand out to you in this pleading and the attached Exhibit 1?

A Yes. I mean, it didn't have a date of birth for the Jorge Flores. So my first thought was how do we know it's the same Jorge Flores.

Q Is there any other identifying information or what we would call identifiers, other than someone named Jorge Flores died in Cameron County, Texas on April 20 of 2022?

A No. No. And I realize Cameron County, Texas was Brownsville, which I believe is border town, and my understanding was Jorge Flores maybe was in the states around Austin. So it didn't just didn't seem to add up. How do we know this was the same guy.

Q And this record at least from -- this Exhibit 1 that was attached to this pleading that has Texas Health and Human Services, is there a particular county above the date that it says this document came from?

A Says the County of Travis. Is that what you're talking about?

Q Yes. So Travis County is saying there's a

record in Cameron County?

A Yes. I mean, it's kept in Austin, that's the state capital, but it was in regards to a death in Cameron County, which was Brownsville.

Q Okay. And then in State's Exhibit 28 -- can you look at that document for me.

A Yes.

Q And what is State's Exhibit 28?

A Well, it's a Motion for Substitution of Party filed by Mr. May. It also has the attachment that I just testified about, the Verification of Death of the Jorge Flores who died on April 20th, 2022, in Cameron County, but there's no date of birth attributed to him.

And it also has an attachment from a probate case that Mr. May was involved in that he had filed in front of Judge Baldwin.

Q And that's State's 28?

A Yes. It's attached to State's 28.

Q What date was State's 28 filed on?

A The same day as the Suggestion of Death, September the 14th.

Q And, Mr. Ladd, do you think that you would have received those pleadings around the same time if they were filed on the same day?

A Yes.

Q And --

MS. WHATLEY: Your Honor --

Q (By Ms. Whatley) -- is State's 28 a true and accurate representation of the defendant's motion for substitution of party in CV-2019-12 and 13, as you remember?

A Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 28 into evidence.

MR. POND: May we approach real quick?

THE COURT: Yes.

(The following bench conference was had outside the hearing of the jury:)

MR. POND: 28 is the same verification of death, so same objection.

THE COURT: Objection is noted for the record. And State's 28 is admitted over objection.

MR. POND: I don't object to the rest. Just that form.

THE COURT: Okay.

(Within hearing of the jury:)

Q (By Ms. Whatley) And so, Mr. Ladd, State's 27 and 28 are you kind of seeing these and looking at these simultaneously when you receive them in your office?

A Yes.

Q And in this Motion for Substitution of Party, kind of explain to us what this is.

A Well, as I read through it, I realized that in his claim that the Jorge Flores -- who would have been the claimant in the forfeiture case -- had died on April the 20th of 2022, in Cameron County, Texas. But I already had my questions about that --

But then he also mentioned a probate pleading in paragraph three where he basically said that after Jorge Flores had died in Cameron County, he had an estate. The estate being the forfeiture money that was kept here in Carter County, and they needed a personal representative of the deceased, Jorge Flores's, estate, the money that was seized in the forfeiture.

And he had been -- "he" being Mr. May -- had been named the personal representative to represent the state -- meaning the money -- in Jorge Flores's forfeiture case. And so he's asking to be substituted for Jorge Flores -- Mr. May is -- as the claimant of money to represent the estate.

So he would be stepping into the shoes of Mr. Jorge Flores, who is now allegedly dead.

Q And, Mr. Ladd, were there attachments to these documents -- I know there were attachments in State's 27. Was there certain attachments -- there's, you know,

Exhibit 1 and 2 that are referenced in this. Were those attached?

A Yes.

Q And is Exhibit 1 the same certification that we've already seen in State's 27?

A That's correct.

Q And then would the other exhibits attached be the specific filings in the -- in the probate case?

A Well, it's the order. It's not the petition, I don't believe. But it's the order from Judge Baldwin basically naming --

Q Would that be naming Mr. May as the personal representative?

A Well, that's what I'm looking for. That's what I thought.

Q When you -- let me ask you this way. When you received the substitution of party and you see the PB case number in that filing, does that tell you to go look into that case to see what's happening?

A It does. And it does say in the order, that the Court names Jason May, who is appointed as Administrator of the Estate of Jorge Flores, deceased, and an agent for Service of Process to be appointed herein.

Q And then, whenever you get that, do you then --

'cause we've talked a little bit about when you would have known, -- or when you remember knowing -- about the probate case. Obviously, upon these filings, that probate case is inside of those filings; is that correct?

A Yes.

Q And then also attached as exhibits?

A I believe that's whenever I -- it alerted me that there was a probate case, and that it was kind of a companion case -- for lack of a better term -- for the forfeiture cases, which caused me to go review the records that were filed in the probate case.

Q And, if you look at State's 23, is that the filing in the probate case, PB-2022-113?

A Yes. This is the petition from the probate case.

Q And would the petition be the first filings in the probate case?

A Yes.

Q And when was that filed?

A August the 15th of 2022.

Q And, obviously, you're not the maker of that document, but did you review that whenever you were looking at the Suggestion of Death and the Motion for Substitution of Parties, to try to figure out exactly

what does this mean?

A Yes. I looked at it thoroughly.

Q And is State's 23 a true and accurate representation of the Petition For Letters of Administration that was filed in PB-2022-113?

A Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 23 into evidence.

MR. POND: No objection.

THE COURT: State's 23 is admitted without objection.

Q (By Ms. Whatley) And then is there a subsequent filing -- what date was PB -- or State's 23 filed on?

A August the 15th of 2022.

Q And then State's 24. What's State's 24?

A I think it was a standard order that was issued in the probate filing by Judge Baldwin. It's entitled "Order and Notice For Hearing of Petition Appointment of Personal Representative and Determination of Heirs, Devisees, and Legatees and Issues of Letters of Administration," that was signed off by Judge Baldwin on the same day that the petition was filed, on August the 15th of 2022, setting it for hearing on September the 14th, at nine o'clock of 2022.

Q And is that -- is that order that's filed on the same day on August the 15th? Did you review that around the time that you learned about the probate case?

A Yes.

Q And is that a true and accurate representation of the order and then notice of hearing that went with that probate filing?

A Yes.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 24 into evidence.

MR. POND: No objection.

THE COURT: State's 24 is admitted without objection.

Q (By Ms. Whatley) And then State's 25, Mr. Ladd. What's State's 25?

A It's an Affidavit of Mailing.

Q And is that affidavit of mailing for the probate case for the hearing that's to take place in September?

A Yes.

Q And it goes with the same probate case that we've been talking about, PB-22-113?

A That's right.

Q And did you also review the Affidavit of Mailing in that case when you were reviewing the

filings?

A I did.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 25 into evidence.

MR. POND: No objection.

THE COURT: State's 25 is admitted without objection.

MS. WHATLEY: Permission to publish 23, 24, and 25?

THE COURT: You may publish.

Q (By Ms. Whatley) We're looking at -- right now -- Mr. Ladd, State's 23. We published that, which is the -- that first filing in the PB case.

What information was -- did -- when you reviewed this, was contained in this document?

A Well, there's a couple big things. I'm going to start with the page that you're looking at right now. Where it says -- well, it begins with, petitioner, Jason May, respectfully represents to this Court as follows: That Jorge Flores died on April the 20th of 2022. He was intestate.

Under number one: Departed this life intestate -- which means he died without a will -- on the 28th day of April 2022. He was transient, so he was homeless, and died in Cameron County, State of Texas.

He left a probate estate consisting of personal property in the State of Oklahoma, and this Court has jurisdiction.

Number three: The Court should appoint Jason May, as his Personal Representative herein, as he is currently representing the interest of Jorge Flores's estate in Carter County Case Nos. CV-2019-12 and CV-2019-13 --

Q Can I stop you right there. So that would just be -- the estate would just be the money that was subject to the forfeiture that had been ongoing since 2019?

A Yes.

Q Okay.

A And he's saying this is the same Jorge Flores as the one who is the claimant in those forfeiture cases we've been talking about all afternoon.

Q And then in the -- the fourth paragraph there, is there additional information?

A Yes. He says unequivocally that: Jorge Flores passed from his life, a single person, with issue, and left surviving him the following named heirs at law, devisees, and legatees, all of whom are adults, and whose relationship are set opposite their names, to-wit: Alicia Flores, adult daughter. Lives at 710 Valerie

Avenue, Pasadena, Texas.

Q Mr. Ladd, when you first reviewed this document and saw this information about an adult daughter named Alicia Flores living in Pasadena, Texas, do you recall if you'd ever seen this in any of the pleadings before, any mention of Alicia Flores?

A No.

Q Did that stand out to you?

A It did.

Q Okay. Anything else stood out about this pleading?

A Well, yes. I mean, it's got a verification -- and to be clear, Micah Ayache, who is a present and local attorney -- or sort of local attorney -- was the actual lawyer on this. He's representing Jason May.

Q Okay. And so we've talked a little bit -- sorry to interrupt you -- but we had discussed throughout the testimony, these verification pages where, maybe, a client would be verifying that this information is true and accurate, if the attorney may not know all of this information, and if that's something that happens a lot in civil case, correct?

A Right.

Q In this case though, Mr. May is the -- is the client -- I'm gonna quotate "is the client" --

A True.

Q -- and he's the one that would verify that that information is true and accurate; is that correct?

A That's correct.

Q And so you have the verification page here?

A Yes.

Q And it just -- it's -- it's essentially the same as what we've read in earlier pleadings, in terms of verifying that this information is correct?

A Yes.

Q And then it would be -- there's a notary here done on the 15th day of August 2022, but that's a local notary not the Texas notary?

A That's correct. Lora Stevens has worked for Jason May for many years.

Q And you have probably seen other documents that she has notarized over the years?

A Yes.

Q So nothing about the notary stands out?

A No.

Q And then, is there anything else, outside of what we've already discussed, about this initial PB filing that stood out to you?

A Just that Jason May himself, being first to be sworn upon his oath, states that he's read the things on

page one we talked about, and the allegations set forth therein are true and correct, so subscribed and sworn to me before me this 15th day of August. So he's made a sworn statement that these things, alleged on page one, are true and accurate.

Q When you read that, were there -- in terms of whether or not this is the correct person -- did you have doubts to that?

A I had doubts to that as far back as July 2019, I mean, about whether or not this was the guy that the money was taken from, that was allegedly represented by Mr. May, and when I saw these pleadings, I'm like that should be simple enough to figure out whether or not the Jorge Flores who died in Cameron County on April 20, 2022, is one in the same as the man they took the money off of on the side of the interstate.

Q And in State's 24 -- that we've already admitted -- which was on the same day as the filing in the PB case, I believe that was August the 15th -- this is just the order setting, basically, the petition that was first filed for a hearing; is that correct?

A Yes.

Q Okay. And is there -- there's a signature on this one. Whose signature is that?

A Approved as to form is Micah Ayache, who would

be Mr. May's attorney on the probate case, but also the important signature is Thomas Baldwin, who was the judge on the case.

Q Okay. And he was not the judge -- this is a different judge than the judge in the in the civil forfeiture case?

A That's correct.

Q Okay. And then State's Exhibit -- that has already been admitted -- State's Exhibit 25, That's the affidavit of mailing that's filed on August the 18th of 2022.

Does that contain the same information in terms of the heir being listed as Alicia Flores in Pasadena, Texas?

A Yes. I mean, and it's important in probate cases that you give notice before you have a hearing, making a Personal Representative of somebody's estate to give notice to the heir.

And he's saying the heir is Alicia Flores and here's where she lives and she's gonna know about this hearing because we're gonna send her -- I'm signing an Affidavit of Mailing or we're giving her notice that this hearing is gonna be set in front of Judge Baldwin for August -- I'm sorry -- for September 14 at nine.

Q And that's then signed by what would be the

attorney in that case, Micah Ayach -- I might be pronouncing it wrong -- but if you scroll down, you can just see it barely there. And also that's notarized as well?

A That's correct.

Q When you get these -- these filings, is there -- have you ever had a situation like this -- in terms of a forfeiture case -- where someone thinks -- there's a filing, "that now my client is dead."

Have you had that before?

A No.

Q Have you had criminal defendants that have died while a case is pending?

A Yes.

Q Was there something -- if we go to the -- we talked about State's 28 which kind of alerted you to the PB. Were there things that you did after that time?

A Yes.

Q What did you -- what did you do?

A Well, first of all, I noticed that the very same day -- and, I mean, I know that in this courthouse -- from working here so long -- I mean, Judge Baldwin's courtroom is just across the hall. So I'm looking at the dates, and I see that on September the 14th, I believe was the day -- well, I don't see the

actual order for naming him Personal Representative, -- but I also had looked at that, and I know he was named the Personal Representative on September the 14th, and that was the same day he filed a Suggestion of Death and a Motion for Substitution of Parties. So --

Q Is there a State's 29 in front of you?

A Yes. There it is.

Q And that would be the order that determines the heirs?

A Yes.

Q So this would be the filing from the September 14 court date that was given notice of in Judge Baldwin -- in the probate case?

A Yes. That they sent to Alicia Flores at 710 Valerie Lane [*sic*].

Q And is that a true and accurate representation of that order from the September 14 hearing in the probate case?

A Yes.

MS. WHATLEY: Your Honor, at this time, the state moves to enter State's 29 into evidence.

MR. POND: No objection.

THE COURT: State's 29 is admitted without objection.

MS. WHATLEY: Permission to publish?

THE COURT: You may publish.

Q (By Ms. Whatley) So, Mr. Ladd, you were saying that you noticed the date? What were you saying about the date?

A Well, just on September the 14, the very same date he was named -- he was ordered to be named the Administrator of the Estate of Jorge Flores, he walked across the hall to Judge Morris, and filed -- or I guess he filed it on the second floor -- a Motion For Substitution of Parties and Suggestion of Death. And since I'm the Administrator of Jorge Flores's estate, I should be allowed to step into his shoes in the forfeiture proceedings.

Q When you start looking through all of these things, what do you do, like, what is your next step?

A Well, I mean, obviously we've been working hard trying to get an order to compel Mr. Flores to appear for physical examination, and then within a short time -- like within a month -- after Judge Morris said, "You got to present him. You got to produce him, so that they can exam him, see if he's the same guy."

All of a sudden, he's dead. Allegedly. So it's a pretty good excuse not to show up at a physical examination if now you're dead. So it seemed worth looking into to me. So --

Q Are you aware of what particular date that Notice of Examination -- what date that was set for? Without looking at the pleadings.

A No. I think that the judge had just said you have permission to make him appear. I don't know that Ms. Handke had actually -- I think it was September the 6th, you know, when we asked for him to come in --

Q Is there --

A -- like in late September.

Q Is there on State's 26 -- is there a date on what date the deposition is supposed to be? If you have State's 26.

A Yes. It was for Friday, September 23 of 2022.

Q September 23?

A September the 23rd of 2022, and it was filed September the 6th.

Q And then subsequent to that, you got the filings from the September 14 date, getting appointed, and then filing the motions to substitute parties?

A Yes.

Q Okay. What do you do at that point? That's mid-September?

A It is. And I -- I think I promptly reached out to Landon Gary, who is a detective with the police department. I handled a lot of cases with him. He is a

very competent investigator. And I asked Landon Gary, I say: "Hey, they filed this probate pleading in the -- in a case that's kind of related to the forfeiture case. I need you to figure out if the Jorge Flores that died on April the 20th of 2022, is one in the same as the Jorge Flores, who the money was taken from back in February of 2019."

And so he initiated the investigation in there.

Q Was there things that you filed in the CV case in order to get that issue before the Court as well?

A Yes. I believe after he completed his investigation, -- which didn't take very long at all -- and I was made aware that that was not the same Jorge Flores, at least that's what the investigation indicated, that the money had been taken from by the PD was the drug proceeds back in February of 2019, that this was a different Jorge Flores altogether.

Then I filed a motion for, I believe, a default judgment on September the 30th of 2022.

Q Was there also a motion that was filed requesting, kind of, just, like, a hearing in the cases based off all this information? If you look at the docket sheet with the CV cases on it.

A Yes.

Q Maybe around September the 26th?

A Well, there was a -- yeah. September the 26th, Ms. Handke, -- because September the 23rd, the day for physical examination and deposition that we had -- we'd set after Judge Morris says you could require him to appear, and if he doesn't, there could be negative consequences to the claimant in that case.

He didn't appear. And once he didn't appear, then Ms. Handke, I believe, filed a motion to set this matter for a hearing to get the judge to weigh in on it. I think it was a motion for sanctions, because he willfully disobeyed a court order and request for hearing, so yes. That was filed, and an order was entered setting it for a hearing, and then I also filed a motion for default judgment.

Q And these are all kind of in rapid succession, according to the docket sheet at least -- which is State's Exhibit 6 -- all in the month of September?

A Yes.

Q For the -- for the most part. I think you said there was a motion for default judgment on September 30, that you filed; is that correct?

A Right.

Q And then it was the basis of that -- your client's not dead. This isn't the same person?

A It basically was. So, like, whenever you file

a petition for forfeiture on the drug proceeds, they have 45 days to file a verified answer. You know, purportedly, one had been filed, but my claim in the motion for summary -- for default judgment was -- and if you don't respond within 45 days of a forfeiture petition being filed, then you basically lose by default.

I mean, you have 45 days to respond and say why it's not drug proceeds, and basically you lose it if we can put on brief testimony saying why it's drug proceeds.

So, my argument in the motion for default judgment that I filed on September the 30th was, this is not the same -- this guy that Mr. May's been representing is not the same Jorge Flores that money was taken from.

And attached to that, an affidavit of Landon Gary explaining how we could come to that conclusion. And since the guy that Mr. May was allegedly representing wasn't the true Jorge Flores that the money was taken from, there's been no verified answer from the right Jorge Flores, so we win by default. So, that's what my motion for default judgment was based upon.

Q And there were -- there was a -- there was that motion that was pending then, and then there's the one for the sanctions because somebody hasn't shown up for deposition. Jorge Flores hasn't shown up.

And all these things that are being filed are gonna be before -- would that be before Judge Morris?

A Yes.

Q Was there this -- this hearing that's gonna happen before Judge Morris, was that hearing to be had on October the 17th of 2022?

A Yes.

Q And was there -- in addition to Detective Gary looking into some information with APD, was there another agency, at some point, that looked into this information in verifying where either Jorge Flores/Humberto Panama that was arrested by APD in February of 2019, like, where he is?

Was there another agency that was tasked with doing that as well?

A Yes. I reached out to Rick Batt. He was an investigator for the sheriff's department. I had worked with Rick on a bunch of big cases over the 25-year span, and he's very competent.

There was some discussions about -- since the PD, the police department, you know, had some dog in the fight in regards to the forfeiture action, because 75 percent of the proceeds would go to the benefit of the police department that, maybe, it would be a good idea to get an independent law enforcement agency to do

the investigation, so we brought in Rick Batt to do parts of the investigation because the sheriff's department had nothing to do with this case.

Q The -- the -- when you did that, is that also -- when do you think that occurred? Sometime in September?

A Yes. I mean, obviously, before September 12. In regards to bringing in Rick Batt?

Q Mm-hmm.

A Late September, early October. Something like that.

Q And before the hearing before Judge Morris on October the 17th of 2022?

A Was it before then? Probably so.

Q Do you think so?

A I believe so.

Q The -- was there a time where -- in between the filing of this information and hearings, where you had a discussion with the defendant about what was going on?

A Sort of. So, I was aware by September the 14th that this was going on because I had received a copy from Mr. May of his Suggestion of Death and Motion to Substitute Parties, and so that alerted me to the probate pleadings, and so I immediately put Landon Gary on it.

And it didn't take very long at all for Landon Gary to report back to me about what he had figured out.

So, Mr. May didn't even know that this was going on -- to my knowledge -- until September the 30th, whenever I filed my motion for default judgement on September the 30th.

So, we were up here in this courtroom on September the 28th of 2022, and we were just kind of between hearings -- not up here on anything related to the forfeiture cases or the probate case, but just on, I think, a criminal case where somebody's getting ready to plead guilty to a case. And it was, like, I think, an eleven o'clock hearing, and it was about 10:50 maybe, 10:30 before, and I believe Mr. May brought up Jorge Flores, and said, "I guess you heard that Mr. Flores is deceased now." And so --

Q Did you respond to that?

A I did. I said, "Yeah." I said, "I was aware that -- that you're making that claim."

And he said, "Well, why don't we try to settle the case, you know?"

And he said something about, you know, this is gonna drag. This has been dragging on for a long time. Even if you prevail, then -- and the money is forfeited to the state -- we're gonna -- I'm gonna fight on appeal to

draw it out longer. Everybody knew I was gonna retire pretty soon.

He said, "You're gonna be retired before you see any of that money. Why don't we just make a deal?" -- and it's not uncommon in a forfeiture case to say, you know what? You can take this much, and we'll just split this down the middle, or you'll take 30 percent and we'll take 70 percent. Whatever. It's a possible way to resolve a civil forfeiture case.

And I just said, "I'm not really interested in doing that."

And he said, "Well, you know, I've got proof that the guy that you took money off of died."

And I'm like, I've seen your Verification of Death and there's no date of birth on it. I mean, he's got a pretty generic name for a Hispanic male in Texas, Jorge Flores. I'm sure there's plenty of Jorge Flores's that have died in Texas.

Q During this conversation, Mr. Ladd, was that just kind of -- was that in the courtroom?

A It was. Yeah.

Q Were you just waiting for the judge to take the bench?

A Yes.

Q Was there anybody else in the courtroom that

you remember?

A Just the two of us.

Q And was there any statements made about, like, the obituary, since -- I mean, had you seen an obituary at that point?

A I had. Because Landon did an internet search and found an obituary for the Jorge Flores that died on April 20, 2022 in Cameron County.

Q Had an obituary been filed in any of the pleadings that you had looked at?

A I don't think so.

Q Had an obituary been attached to any of the exhibits that we've admitted today?

A I don't believe so.

Q Did the defendant say anything about an obituary, and there's no picture on the obituary?

A He did. He said -- because I had read that obituary, and we figured it was the same guy because it was April 20, 2022, and it said he has a daughter that survived him named Alicia Flores, and nine brothers and sisters, and it listed, you know, where everybody lived -- not, like, their address, but, like, they lived in Brownsville or they live in Lubbock, or wherever.

And then, in regards to Alicia Flores, it said she lived in Pasadena, and there was no picture on this

obituary, but it said that he had passed away at some nursing home in Brownsville, and it named what funeral home did the funeral.

So, I was kind of familiar with that obituary, and myself and Landon Gary, we were thinking this is probably who he based the probate pleadings on, and so I said something to Mr. May about an obituary.

I said, "How do you know it's the same guy?"

And he said, "I have an obituary, but it doesn't have his picture on it, but I know the things in the probate pleadings are true because they're in that obituary."

Q Was there any statement about this Alicia Flores that's in the obituary and listed in the PB filings as the sole heir?

A Well, yes. Because I knew by then that Landon Gary had already conducted an investigation and what -- who lived at 710 Valerie Lane, which was -- according to probate pleadings -- was this Alicia Flores.

Q Did Mr. May indicated whether or not he had recently talked to Alicia Flores?

A Yes. Because I asked him. I said yeah. I said, "Jason." I said, "I've seen him -- I've seen your claim that he's no longer with us, that he's deceased, and I've seen your claim in the probate pleadings that

he's got one heir -- her name is Alicia Flores, and she lives at 710 Valerie Lane in Pasadena, Texas. I've seen all that."

He said, "Yeah. That's it."

And I said, "Have you talked to her recently?"

Because I already knew from the information, he had not.

And he said -- but he didn't know that I knew that.

And I said, "Have you talked to her recently?"

He said, "Yeah. Yeah, I've talked to her recently."

I said, "And you know 710 Valerie Lane is where she lives right now?"

He said, "Yeah. Yeah. I've confirmed that."

I said, "So if I get in my truck and drive down to Pasadena right now, and I go to 710 Valerie Lane -- if I knock on the door, and you expect Alicia Flores to be there, and she'll have a picture of the guy that the money was taken from back in February 2019, that would be the same guy that we have pictures of, that it's the same Jorge Flores?"

And he hesitated for about two or three seconds, and he goes, "I suppose so."

And I said, "Well, it's either a yes or no. If you talked to her recently, that's where she lives."

And he said, "Yeah. I suppose so."

And I knew from my conversations with Ms. Handke that there'd been some discussions -- back in January of 2022 -- that he had had with her --

MR. POND: Objection: Hearsay.

MS. WHATLEY: Hold on. Hold on -- one second. I think I --

MR. POND: Objection: Hearsay.

MS. WHATLEY: -- heard an objection.

THE COURT: The objection of hearsay is sustained.

Q (By Ms. Whatley) This conversation -- you did not record this conversation, did you?

A I did not.

Q And with this information that you got, was there something that you did, like, did you memorialize that information close in time to when this conversation took place?

A I did.

Q How did you do that?

A I sent an email to Rick Batt, I believe, on October the 3rd.

Q Was that so that you could recall the details of that conversation?

A Absolutely.

Q And have you reviewed that document that you

provided close in time -- I think you said around October 3 -- did you provide that to law enforcement, and have you reviewed that before you testified?

A I have.

Q After that conversation -- we've kind of talked about some of the pleadings that were happening -- and during this time, towards, you know, September -- in the Sep -- in the month of September in 2022, did Ms. Handke become more involved in the case at that time?

A She did.

Q Okay. In the beginning of the case, were you the one doing most of the filings?

A Yes.

Q And then, as things ramp up, she becomes more involved?

A She was more astute at civil procedure than me --

Q Okay.

A -- so, yes.

Q Has she -- did she -- and at that time, did she have more experience in practicing civil law?

A She did.

Q And is that why you brought her in to help?

A It is.

Q And in most of these -- at these hearings that

are subsequent September filings, the ones that happen in October, and those filings, was she present for all of those hearings?

A Yes.

Q So, at that time, are you both present for the remainder of the hearings in this case?

A Yes.

Q Was there a period of time where Rick Batt, with the sheriff's office, finished his investigation?

A Yes.

Q And when he finished his investigation, at that point, what did you do?

A There were indications to me, based on the investigation, that a crime had been committed. I knew that -- and -- and there was some discussion also, leading up to September the 28th of 2022 about -- well, I can't get into that.

But anyway, I -- I was trying to -- I was thinking because of some statements that I heard compared to statements that Ms. Handke heard --

Q And are these some of the statements that you've just testified to about certain things that occurred on September 28th of 2022?

A It is. And I'd asked him, because I knew that there was an allegation of foreclosure of Jorge Flores's

daughter losing her house.

And so when I asked him on September 28, I said, "This house on 710 Valerie Lane, in Pasadena, is that the house that she lost to foreclosure or is this like a new place? What house did she lose in foreclosure?"

He said, "Well, she lost a house in San Marcos, I think, but don't quote me on it, but no. No. She lives -- after the foreclosure, earlier this year, this is where he lives now, 710 Valerie Lane."

And so after Landon Gary and Rick Batt completed their investigation -- and I'm looking at some of the comments he had made to me, and some of the comments he had made to Ms. Handke -- I thought, we're gonna be witnesses if this get prosecuted. And there's an ethical rule that says, I can't be a prosecutor on a case I'm a witness on and so I didn't think it would be right for me -- me and my first assistant DA were witnesses in his prosecution, for anybody from our office to handle it.

So to avoid the appearance of impropriety and to comply with our rules of professional responsibility, what the law contemplates in situations like this, is for me to send it to the attorney general's office, and request that the attorney general that they assign it to a different DA, so that in the event I become a witness,

a different district attorney's office is handling the prosecution.

But I wanted to complete the investigation, and so that's why we saw the investigation through --

Q And then did you do that? Follow the process of sending it to the AG's office to --

A I did.

Q -- send it out? Okay. And have you -- then a different office prosecuted it, and you're involvement has solely been as a witness?

A That's right.

Q And you ended up retiring in August of '23 or end of July of '23?

A That's correct.

Q We've kind of talked about this, Mr. Ladd, and I forgot to have a discussion with you about it. State's Exhibit 31, if you have that in front of you.

A I do.

Q Do you recognize that document?

A I do.

Q Okay. And you had mentioned before, that in, kind of, getting this information in September, you had filed a Motion For Default Judgment; is that correct?

A On September 30, 2022.

Q What is State's 31?

A That's a response to my Motion For Default Judgment.

Q And that was in direct response to the motion that you filed?

A Yes. This is filed by Mr. May.

Q And was that filed as -- did you receive a copy of that when it was filed?

A Yes.

Q And is that a true and accurate representation of that response to your motion?

A It is.

MS. WHATLEY: Your Honor, at this time, state moves to enter State's 31 into evidence.

MR. POND: No objection.

THE COURT: State's 33 -- excuse me -- 31 is admitted without objection.

Q (By Ms. Whatley) And what was date of the filing on that one?

A October the 18th of 2022.

Q October what? I'm sorry.

A 18th of 2022.

Q And do you recall if there -- we've talked about some hearings in October.

Was there a hearing on October the 17th and then another hearing on October 27 in the CV cases?

A Yes.

Q Was that just a continuation of the proceedings from the 17th to the 27th?

A Yes.

Q And would those be proceedings that Ms. Handke was also present for?

A Yes.

MS. WHATLEY: Can I have a moment, Your Honor?

THE COURT: You may.

MS. WHATLEY: Pass the witness.

(An overnight recess was had. The following requested portion of proceedings was on April 30, 2025:)

CROSS-EXAMINATION

BY MR. POND:

Q Mr. Ladd, can you hear me fine from there?

A I can.

Q Okay. I told the jury this, but I've had a cold this week. So if my voice starts to give out, if it gets hard to hear -- I'm also on medicine that gives me the shakes a little bit, so if it's hard to hear me or understand me, just let me know. Okay?

A Yes, sir.

Q So I want to start -- let's talk about your

general background just a little bit. I know the state covered it, but there's a few other points I want to go over. Okay?

A Yes, sir.

Q Okay. So as I understand it, you were -- went to law school, and immediately became an ADA?

A Yes.

Q Okay. And then you spent some years as ADA and then the DA?

A Yes.

Q Did you ever spend years as the first assistant or just ADA and DA.

A Just ADA and DA.

Q And just to be clear the assistant district attorney are kind of the line prosecutors that deal with day-to-day type of stuff, and then there's first assistant who'd cover some of that, and then you would cover a little bit of that stuff right? Is that fair?

A Yes.

Q Just a thumbnail sketch; is that fair?

A Yes.

Q All right. So you, as the -- the DA, you represent everybody in those counties that you -- you said that you had what? Five counties?

A Yes.

Q So those are your constituents, right, you represent them?

A That's correct.

Q All right. And then you do that for -- there's also some -- some of the, I guess, county employees or county agencies that you would represent in the civil capacity?

A That's right. I would be their legal adviser.

Q Okay. So you do have at least some civil experience?

A Some.

Q Okay. Is it fair to say it's pretty limited?

A That's very fair to say.

Q All right. I don't want to over blow it, but most of your experience is criminal?

A Yes. I understand a lot more about criminal procedure than civil procedure, certainly, back whenever I was back at the DA's office.

Q And when all of this was going on that was still the case. You were DA, so your civil experience, your civil procedural knowledge was still kind of limited?

A At the time, yes.

Q Okay. But you did have experience with civil forfeitures at that point, right?

A I did.

Q Those are going on quite regularly?

A Sort of. They were never this -- this hotly litigated, I mean, this is the first time I was in one this heavily litigated.

Q Right. But you'd filed plenty by the time that this was all going on and getting started and rolling, right?

A I'd filed several petitions over the years --

Q Okay.

A -- for forfeiture.

Q So I want to give the jury a little bit of an idea -- because there -- there may have been some misstatements along the way, and I want to be clear about -- clear up a couple things related to civil forfeitures.

When those get filed, those are not criminal charge, right?

A That's correct.

Q But there can be criminal charges associated with the same actions that underlie the civil forfeiture case?

A Yes.

Q Okay. So the civil forfeiture is just to take that money or property that you're seeking to forfeit?

A That's correct.
Q Okay. And as part of the proof of that -- that taking, you have to prove the actions which could also be used in the criminal side, if you decided to file charges?
A Yes. But there's a different burden of proof.
Q I'm getting there --
A Okay.
Q -- just --
A All right.
Q -- step by step.
A Yes, sir.
Q Okay. And that -- that's actually my next line of questioning, but I want to be clear, you know, that's just taking -- and some of that same proof can be used in criminal, right?
A Yes.
Q Okay. But -- so in civil forfeitures, it's preponderance of the evidence, right?
A That's correct?
Q More likely than not is your burden?
A Yes.
Q Whereas in criminal it's beyond a reasonable doubt?
A True.

Q Beyond a reasonable doubt is harder than preponderance, fair?

A Sure.

Q So you're also the person that makes -- at least when you're involved -- you're the person that makes the decision to file civil and criminal, just civil, or just criminal?

A Yes.

Q Is that a fair characterization?

A Yes.

Q Have I misstated that in any way?

A I don't believe so.

Q And when we are talking civil procedure, civil forfeitures, there's mechanisms that control it -- or like statutory mechanisms, like statute of limitations, things like that?

A Yes.

Q Okay. Statute of limitations for civil forfeiture is one year from the seizure of the item?

A That sounds right. I'm not sure off the top of my head.

Q If I told you 12 O.S. Section 95(A)(4), does that sound about right where the statute of limitations would be?

A It would be in Title 12, yes.

Q Okay. And if it says, "A year from the seizure of the item." Do you believe that or do you want me to show you?

A I'll take your word for it, Mr. Pond.

Q Okay. Sorry. I have put in a lozenge to help my throat, but I don't want to be heard chewing it.

Okay. So let's give the idea -- the jury an idea of how civil procedure -- or forfeitures -- I keep screwing up with civil procedure.

Civil forfeitures. There's two kinds of burdens for, you, the state, when you file a civil forfeiture, right? As in, I'm talking about forfeitable substances -- that changes the lay of the land for you when you're filing a civil forfeiture, right?

A You said two different burdens to prove in a civil case?

Q And I may have mis-used that phrase, but there's two -- there's two burdens for you in a civil forfeiture case where forfeitable substances are involved or not involved; is that fair?

A I'm not really sure I'm following your question.

Q Okay. You know what forfeitable substances are, right? When we're talking civil forfeiture.

A Are you talking, like, about the drugs?

Q Yeah.
A Those?
Q Yeah.
A Or are you talking about proceeds from the sale of drugs?
Q No. I'm talking about -- so in the statute -- and it says, when you seize a property, you know, as in it's a violation of the Uniform Controlled Dangerous Substance Act. If there are other forfeitable substances, you get a presumption that what you're seizing was used to buy under that statute, right?
A You're talking about whenever drugs are found --
Q Yeah.
A -- in close proximity to the money?
Q Yeah.
A Yes. I mean, that's one -- that's one option under the statute, that's one scenario whenever the money would be forfeitable is whenever drugs are found in close proximity.
Q And that's kind of the topic that I'm going over right now. When those forfeitable substances are present, and you file a civil forfeiture, you get a presumption as the petitioner, right?
A It says that in the statute, yes.

Q Okay. That presumption is that whatever you're seizing was tied to the violation of The Uniform Controlled Dangerous Substance Act?

A Yes.

Q But if those forfeitable substances are not present, you don't get that presumption, right?

A That's correct.

Q And then you have to prove by a preponderance?

A Yes. It helps whenever drugs are found in close proximity.

Q Oh, yeah. I get it.

A That's the easier one.

Q Yeah. So that's -- that's kinda what I'm talking about. So you get the presumption in one case, the no presumption in the other.

And when we talk presumption, I think the jury is entitled to know a little bit about what a presumption is. So when these drugs are found and you have the presumption, then it shifts to the claimant to prove that they got the funds from a legitimate source, right?

A That's what the statute says, yes.

Q Okay. And that benefits you?

A Certainly.

Q Makes it a lot easier for you?

A Sure.

Q Okay. So let's talk about how, kind of, everything in this case really got started. We've already heard from Corporal Grisham, Eric Grisham, you remember him?

A Sure.

Q You know -- and he kind of got the whole ball rolling on this case, which then got us into the situation we're talking about with Mr. May, right?

A Correct.

Q 'Cause he conducted a traffic stop. Yes?

A Yes.

Q And you, you know, over the course of this case and that case -- because you have to do the civil forfeiture -- you would have gotten familiar with that case?

A The stop?

Q Yeah.

A Yes.

Q Right. Because there were motions to suppress filed?

A Yes.

Q So you had to get pretty intimately familiar with that stuff?

A Absolutely.

Q Okay. You know, over the course of that stuff,

there was a ticket issued?

A Right.

Q Okay. And you spoke with Corporal Grisham about that ticket?

A About not maintaining his lane or?

Q Yeah.

A Yes.

Q 'Cause it was filed as a TR number, right?

A It was.

Q And when something's filed as a TR number that just means the traffic ticket is filed with the Court and that's the case on the traffic violation?

A That's right.

Q Okay. And you're aware that when this traffic stop happened, the person in the front seat of that car gave a Mexican driver's license?

A That's correct.

Q Okay. And it was later determined, the day after -- so the traffic stop was on the 5th, do you agree with that?

A That sounds correct, yes.

Q And then on the 6th, they determined that he was no longer Humberto Panama Leon. He was Jorge Flores?

A That sounds right, yeah.

Q Okay. And have you seen plenty of traffic tickets?
A Sure.
Q You know what they look like?
A I do.
Q You know how officers are supposed to fill them out?
A Generally, yes.
Q Okay. So the top of the ticket has all the relevant data on when the stop happened, right?
A It does -- it's supposed to.
Q And then there's a portion of that ticket where the officer signs?
A Mm-hmm.
Q Yes?
A Yes.
Q I know you know this, but the court reporter -- you got to be careful with the uh-huhs.
A Thanks for the reminder.
Q And they sign, and they put a date when they sign that ticket, right?
A Typically, yes.
Q So Corporal Grisham comes to you with his ticket, and the ticket says Jorge Flores, right?
A I don't recall that.

Q Would it help refresh your memory if you could see that ticket?

A I supposed so.

MR. POND: May I approach the witness, Judge?

THE COURT: You may.

Q (By Mr. Pond) I'm gonna hand you this. If you'll just take a look that.

A Sure.

Q Look it over to yourself silently, please, and then look up when you're done.

A Okay.

Q Does that refresh your memory as to this ticket?

A It really doesn't. I'm not sure if I'm the one that signed off on the ticket or if one of my assistant DAs did. I don't remember.

Q Okay.

A Do you have a question about --

Q I do.

A -- who signed it?

Q My point isn't who signed off on it, but whether or not you were familiar with it? 'Cause I've got more questions here in a second.

A Okay. I don't remember this being an integral

part of my involvement in the case --

Q Sure.

A -- is the ticket. I was focused more on the seizure, and I don't -- I'm not trying to be difficult, but --

Q The thing you're asking about is the second page. There's a part where the DA signs off on it.

A And even if I did sign it, I don't remember, but I don't dispute the authenticity of it.

Q And, also, to be fair, on the second page, Melissa Handke signed it.

A Okay.

Q Okay. All I'm asking is, are you familiar with this ticket? Is this the ticket that you -- that was involved in this case?

A My answer would be, no. I don't know.

Q Okay.

A I'm not trying to be difficult.

Q Sure.

A I mean, I don't have any reason, again, to doubt the authenticity of it of what you're representing. I'm just under oath. I want to be honest with you.

Q Yeah. Yeah.

A I don't dispute the authenticity of it, but I

don't have any recollection of this.

Q Understood. And you see where it's made out to Jorge Flores though?

A I do see that.

Q And you see where the officer signed it as February 5?

A I do.

Q As we -- can I take this back?

A Yeah.

Q And as we talked about a minute ago, Grisham didn't know he was Jorge Flores until the 6th, right?

A I'm not sure when exactly they figured out he was not really Humberto, but Jorge. I'm not really sure.

Q If Eric Grisham confirmed that it was the 6th, do you have any reason to doubt that?

A I don't. He would know.

Q You told him to put the 5th on that ticket?

A Do what?

Q You told Eric Grisham to sign -- where he signed the ticket --

A Yes.

Q -- to put February 5th?

A I don't know. I may have. I'm not saying I didn't. I don't remember that.

Q If Eric Grisham says you told him to do that, do you have any reason to doubt that?

A No. Because it would make no sense to charge him under the wrong name. I don't think, but, I mean --

Q Well, if Eric Grisham didn't know he was Jorge Flores until the 6th, why would he be signing that he gave a ticket to Jorge Flores on the 5th?

A I guess because he had learned that his true identity would -- I'm speculating a little bit, but Jorge's identity was actually Jorge and not Humberto.

Q More importantly, why would you tell him to backdate this ticket?

A I don't -- I'm not admitting to that. I don't know. I don't remember that conversation.

Q Okay. Is there any reason Eric Grisham would lie about it, that you know of?

A I don't think so. No.

Q Okay. And some of these questions -- I'm still talking about the traffic stop generally, but they're going to overlap with some other things, so it might kind of cut in just a little bit. Is that okay?

A Sure.

Q If it gets confusing, tell me it's confusing. I know I can talk little too much sometimes.

A Sure.

Q So you're aware that the -- there was a Mexican driver's license given to Eric Grisham?

A Yes.

Q Okay. And then, over the course of you filing -- you and your office -- when I say, "you," I'm gonna mean your office, unless I mean, you specifically, then I'll tell you that. Okay?

A Okay.

Q All right. So your office files the petition in two different case numbers, for the money that was seized in this case, right?

A We do.

Q And you file two different petitions, and you had to send notice to an address of the person that you were seizing it from, correct?

A Correct.

Q You did not use the address off that Mexican driver's license, did you?

A The documents speak for themselves. I think that there's a different address, but I'm not sure. I -- we used whatever address was given to me by the police department, that they linked to Jorge Flores. I didn't really ask why they thought that was his address.

Q Do you still have the evidence binder right there?

A Yes.

Q Will you look at State's Exhibit No. 9. That's one of the petitions that was that filed, correct?

A Yes.

Q And there's an address on that petition?

A Yes. We talked about it yesterday.

Q That's the address where you have to send certified mail to try to notify this person that this money was seized from?

A That's correct.

MR. POND: May I approach the witness again, Judge?

THE COURT: You may.

Q (By Mr. Pond) This is that same ticket I showed you a few minutes ago. Those are different addresses, aren't they?

A Yes.

Q Okay. So you did not use the address off the Mexican driver's license?

A I think that they determined it was fake, right?

Q You did not use the address off the Mexican driver's license, did you?

A No.

Q You used it as the address that was reported

when Jorge Flores was booked into the jail as Humberto Panama Leon?

A Do what now?

Q That's the address that Humberto Panama Leon gave the jail, right?

A The address on the petition or the address on the ticket?

Q The address on the petition.

A As far as I know.

Q So you then relied on Humberto Panama Leon/Jorge Flores's reporting of his address?

A I relied on what the police department told me they had down as his address, that's what we based it -- it was based on the information given to me. I'm not the lead investigator of the police department. This was -- it was conveyed to me that this was his address -- the last known address for the individual that the money was taken from, so for proper notice, I need to send it to that address and publish it in the Ardmorite, which we did.

Q The DA's office is a position of special trust, right?

A Sure.

Q You're supposed to try and go above and beyond to protect the citizens?

A Yes.
Q Protect their rights? Yes?
A Sure.
Q You could have published in a paper in the Austin area, right? There's nothing that prohibits you from doing that?
A I don't think that there is, no.
Q Okay. You could have sent somebody to that address to try and personally serve Humberto Panama Leon at that time, right?
A Yes.
Q You didn't take any of those actions -- and I know they're not required by statute -- but you didn't take any of them?
A No.
Q At this traffic stop, there were no forfeitable substances found. Do you agree with that?
A No drugs?
Q No drugs found?
A That's right.
Q And that's why I keep -- because the statute says forfeitable substances get you the presumption, that's why I keep using that as a --
A Well, there are other things, to be fair, other than just drugs that are forfeitable, you know, if

they're used in the manufacturing process, etc.
Q Yeah. But all of that, there was nothing found that you call forfeitable substances, for the purpose of what was found during that traffic stop; is that right?
A That's right.
Q You're aware that Jason May was not at that scene?
A That's correct.
Q There was nothing that tied Jason May to that scene?
A That's correct.
Q His business or card wasn't found in the car?
A Not to my knowledge.
Q Humberto Panama Leon did not say, "Call my attorney, Jason May."
A That's correct.
Q You have nothing that ties Mr. May to Humberto Panama Leon/Jorge Flores before this traffic stop?
A That's correct.
Q The car wasn't registered to Jason May?
A That's right.
Q Okay. And you have nothing to connect Jason May to this car before this traffic stop?
A No.
Q You're aware that over the course of the

investigation at the roadside that Corporal Grisham seized a phone from Humberto Panama Leon/Jorge Flores?

A I am.

Q They even looked through that phone?

A They did.

Q It was taken from him and put into evidence?

A Yes, I believe so.

Q Okay. You didn't have anybody get a search warrant for that phone?

A I don't recall a search warrant, no.

Q You didn't get anybody to search that phone?

MS. WHATLEY: Objection, Your Honor. May we approach?

THE COURT: You may.

(The following bench conference was had outside the hearing of the jury:)

MS. WHATLEY: Your Honor, I'm gonna renew our objection as it relates to relevance from yesterday, the testimony of Mr. Grisham. We're not litigating whether or not this was a valid traffic stop. In fact, that's already been litigated in front of Judge Morris. Any information about the traffic stop -- I understand some of the questions about contact and Jason May, but any other information about arguments or search warrants or seizures or any of that, is not relevant to whether

or not these documents were false, falsified, or forged.

It's just not relevant. This case has already been litigated. That section of that case has already been litigated, and these issues about the validity of search warrants and whether or not a traffic stop was legal, those are always going to be issues for the Court to determine, not a jury.

MR. POND: I'm not litigating the validity of the search. I'm not litigating the validity of any stop at this point. I'm laying a foundation for what he knows, and it's gonna be relevant to the investigation that he did later, specifically, to Mr. May.

So I have to lay a foundation that he knows these things or what actions he took to seize these property items.

THE COURT: I don't see how it's relevant in this case. Yesterday, I allowed it because you indicated it was for impeachment of the officer for prior statements that he made.

So the objection is sustained.

MR. POND: Okay.

(Within hearing of the jury:)

Q (By Mr. Pond) And you're also aware that Mr. Humberto Panama Leon/Jorge Flores was booked into the jail, right?

A Yes.
Q He was booked in as Humberto Panama Leon?
A I believe so.
Q And he was bonded out as Humberto Panama Leon?
A I believe so.
Q Well, I mean, you know somehow because, like, you've had people talk to Tanya Anthony. You've been involved in that aspect of the investigation, right?
A I'm sure I knew a few years ago --
Q Okay.
A I mean a couple of years ago.
Q Okay. It's not that you don't know. It's just that you don't remember off the top of your head at this point?
A Yes.
Q If Tanya Anthony told this jury that he was booked out as Humberto Panama Leon, do you have any reason to doubt that?
A I don't.
Q Okay. But when somebody's booked into the jail, they have access to a phone in the jail that recorded, right?
A They do.
Q Over the course of Eric Grisham's investigation, 29 bundles of money were taken?

A That's correct.
Q Plus the money that was in the trunk, right?
A Yes.
Q So the money in the trunk was 10,000 for the first forfeiture?
A That's right.
Q The 29 bundles was for the bundles found in the secret compartment during Eric Grisham's investigation, right?
A That's right.
Q Over the course of this investigation -- well, in doing this case -- and I know there might be some memory issues -- but when Mr. Humberto Panama Leon got out of jail, he had Tanya Anthony as his bondsperson, who took him to a hotel. Do you recall that?
A I knew that she helped him make bond. I didn't remember the part about the hotel.
Q Okay. You knew the police were looking for him at that hotel?
A I don't doubt that.
Q If they told you that, do you have any reason to doubt it?
A No.
Q And you were made aware that Tanya Anthony was told he was Humberto Panama Leon at first, right?

A Yes.
Q By his family?
A I don't --
Q Or who purported to be his family?
A I don't know that, but I know that that's who she thought it was.
Q Okay. Well, you know, you got a bond sheet at some point?
A Yes. I've seen that.
Q It had -- had, you know, Humberto Panama's stepdaughter and wife and things like that?
A Yes.
Q And those were the people that were contacting Tanya Anthony?
MS. WHATLEY: Objection, Your Honor. There's two different bond forms, if Mr. Pond could just alert Mr. Ladd to which exhibit he's talking about. 'Cause there's -- the titles are a little bit the same. I think they're in back-to-back exhibit order.
One's the filed appearance bond, Exhibit 4, and then No. 5 is Tanya Anthony's internal bond form. I just want to make sure we know what Mr. Pond is talking about.
MR. POND: Fair enough.
Q (By Mr. Pond) Will you turn to Exhibit 5.

A Okay.

Q And you were made aware -- over the course of this case -- that Rick Batt got that from Tanya Anthony?

A Yes, sir.

Q And those -- those people on her sheet were representing to her that they were Mr. Humberto Leon's -- Humberto Panama Leon's family?

A It appears so, yes.

Q Okay. Let's talk a minute -- one of the times, like -- yesterday, one of the topics that you had hit on, was some conversation that you had with Mr. May in late September of '22. Do I have the year right?

A Yes. September 28.

Q Okay. And you had already had some investigation going on, and you said that Mr. May was not aware of that conversation?

A Of that investigation?

Q Sorry. You're right. Of that investigation.

A I believe that's true, yes.

Q Okay. And you said you were discussing whether or not -- the Alicia Flores issue, right?

A Yes.

Q He was representing Alicia Flores as the daughter of the decedent?

A I already knew enough to know that she didn't

live at 710 Valerie Lane.

Q We're gonna get there, but he was representing that Alicia Flores was the daughter of the decedent?

A Yes, he did.

Q And, at that point, he was representing that he thought the decedent was his client, the one that the money was taken from?

A Yes.

Q Over the course of that conversation, he actually encouraged you to have your people look into it, right?

A No. I don't recall that.

Q You remember testifying at the preliminary hearing?

A Yes.

Q When you testified at the preliminary hearing, you also discussed this conversation?

A Probably, yes. Yes, I did. Because I remember Mack Martin asking me if I had written a note down, and yes. I remember that.

Q Okay. And you would have testified truthfully there?

A Yes.

Q All right. And you're having this conversation: Jason May says to you, "Maybe your guys

can do better." Right?

MS. WHATLEY: Objection, Your Honor, to the form of the question.

MR. POND: I'm talking about what he says my client's introduced.

THE COURT: Objection's overruled.

Q (By Mr. Pond) Jason May said to you, "Maybe your guys can do better."?

A Yes. It was in the context -- yes. Something like that in the context of, I said, "There's no date of birth."

I think maybe then, he said, "Maybe your guys can do better."

Q Right.

A "They wouldn't give me a date of birth."

Q Right.

A Something like that.

Q So he was encouraging you to have your people look into it as well?

A Yes. That would be a fair interpretation of that.

Q Who else would be "your guys"? I mean, he wouldn't be referring to your baseball team or something, right?

A I have an investigator when you're the district

attorney.

Q And you're saying that you don't have decision -- the data to, you know, agree with his decision, right?

A Right.

Q So he's telling you, go get some more data?

A Yes.

Q Because you're aware there is data available to law enforcement, that is not available to the average citizen, correct?

A That's true.

Q Because a lot of this data: Death certificates, nursing home records. Those are all protected by HIPAA, right?

A Yes.

Q The Health Information Privacy and Protection Act?

A I know what HIPAA is.

Q Okay. I guess it's portability or protection. I can't remember the "Ps". They're weird. But you're aware there's a law enforcement exception to that act, that allows law enforcement, in the course of an investigation, to get some records that, you know, say a private attorney could not?

A Right.

Q Okay. So he was telling you to have your guys go get that kind of data, so you can make the right determination?

A This was on September the 28th, right? After the probate pleadings.

Q That's how you reported it?

A That's when the conversation happened.

Q Yeah.

A But, obviously, subsequent to the probate pleadings being filed.

Q Yes.

A Yes. He said something like that.

And I just said, you know, we're going to exercise our due diligence and make sure he's the same guy.

Q Right. And this is a time he doesn't know he's being investigated yet?

A That's correct.

Q And he's encouraging you to have other law enforcement do more investigation to help out with the situation?

A After I said I don't know if this is the same guy.

Q That's fair.

A He said, "well, see if you can find --

Q Yeah.

A -- more."

Q Yeah. Okay. 'Cause when you look at an obituary, it gives name and age, right?

A Yeah. And I think this one said where he was whenever he passed away, and --

Q Yeah.

A -- which funeral home did the funeral.

Q Okay. And we've already heard from that nursing home facility, that they wouldn't give him information because he was not entitled to it. So he has no way to confirm who that person happened to know who the deceased was, right?

A Do what now? Could you repeat that please?

Q We've already had the nursing home person testify that they would not have released information to Jason May.

A Okay.

Q So he couldn't call in and confirm, was the dead person the same one he knew?

A I wasn't here for his testimony, but I would assume that you could also say, I'm gonna leave a message for the family of Jorge Flores. I represent him on a case in Ardmore. Can you have somebody give me a call? Would that violate HIPAA? To leave a message saying please have somebody call him?

Q Okay. But your guys did call and were able to get information from there?

A They were. Well, I don't know if they contacted the funeral home or somebody with the state, in Texas, in regards to keeps track of -- I know that the way it was presented to me, that Landon Gary called and said, "How many Jorge Flores's died in Cameron County on April the 20th of 2022?"

They said there was one.

And then he was able -- and you're right. I mean, law enforcement can be very resourceful when it comes to getting information. There's certain privileges extended to them, and he was able to determine very quickly it was a different Jorge Flores.

Q But yesterday when you were talking about that conversation, you left that element out, didn't you?

A What's that?

Q That he told you to have your guys investigate it?

A Yes. It didn't seem -- it didn't seem genuine to me. It seemed more sarcastic. Honestly.

Q Okay. But you did start an investigation, right?

A Yes. We already started one.

Q And Landon Gary was your go-to investigator to

start that?

A Initially, yes.

Q Landon Gary worked for the Ardmore Police Department?

A That's correct.

Q Over the course of this civil forfeiture, we've already talked about the fact that it was a 75/25 breakdown of who gets what money, right?

A That's right.

Q So would it be fair to say that approximately $375,000 Ardmore PD was entitled to get about $281,250?

A I think it's 367, but it's a lot.

Q That's -- and I'm not gonna hold you to the actual numbers, but does that sound about accurate?

A I would say so, yes.

Q And your office would stand to gain $93,750 --

A Yes.

Q -- roughly? Okay.

You talked a little bit about that it doesn't go to your salary 'cause yours is statutory?

A That's correct.

Q But that money would go into your office budget for very specific considerations, right?

A It has to be used for narcotics enforcement?

Q Right. So you can use that money for narcotics

enforcement instead of your own budgetary money.

A Yes. I can supplement, like, salaries for an assistant DA that does primarily drug cases.

Q So it does benefit your office budget overall, even if it is secondarily?

A Yes. It is a mechanism under the law that they expect me to use to help fund our operation.

Q Okay. And then at some point, you thought that this money situation would cause a conflict of interest right -- or at least give the appearance of a conflict of interest?

A I was worried about the appearance. I knew it wouldn't have any direct impact on Landon Gary's salary. It just didn't seem -- but to -- you know, you operate a lot of times as a public official to avoid the appearance of impropriety because you want people to have faith in the system.

Q So that's when you engaged Rick Batt?

A Yes.

Q You didn't -- at that point, when you thought there might be a conflict of interest -- that's not the point where you turned it over to the AG's office, did you?

A No.

Q You didn't ask OSBI to come in, and they have

statewide jurisdiction, right?

A They do.

Q They have a lot more power state wide, they have more connections, maybe?

A I wouldn't agree. I mean, in my time as a district attorney, the state and local guys, they were a lot better investigators -- no disrespect to OSBI -- but the local investigators that I have a working relationship with, they just -- in my experience -- they've been more efficient, more effective, more competent.

Q So even though there's the appearance of conflict of interest with Landon Gary and the Ardmore Police Department, you didn't turn over your own investigation for another DA's office to conduct that?

A No. No. I didn't think that the type of a conflict that I had was not really necessary about the 75/25. I didn't ever think about it in terms of that being the root of my conflict. So I felt like, you know, I know we talked yesterday about referring the case out for a different district attorney to take over. I always hated to do that. I never liked -- whenever I was the DA -- the AG's office, when they would call and they'd leave a message, it's, like, you got to call them back, and you know it's gonna be because a conflict case

is coming your way.

And you get -- you feel like you're getting kind of dumped on, because if you're the district attorney of District 20, you got a lot going on in your own backyard, so you hate to clean up somebody else's mess. And so whenever I did get those conflicts over the years, I was always grateful if they had it thoroughly investigated, and didn't toss me some unsubstantiated accusation and get somebody or me to pick up the investigation.

So, I didn't see any problem with having it properly investigated, because who knows, maybe, if it's properly investigated, we find some evidence that Mr. May's done nothing wrong, and then I'm wasting everybody's time, by saying, hey, come look at this case.

It was better to go ahead and make sure there was some merit to the allegations.

Q And if it's not properly investigated and then shade can be thrown on, you know, the impropriety of those who might have a conflict, right?

A I suppose so, yes.

Q So when you thought there was a conflict of interest, you engage Rick Batt from the sheriff's office.

A I engaged Rick Batt because the police

department -- it was -- it was communicated to me from somebody over there -- and I forget if it was the chief or assistant chief -- they were just a little uneasy about the PD being involved in the investigation because they were involved in the actual seizure of the money and forfeiture action, you know, and after all, the sheriffs have jurisdiction throughout county, and it seemed like the obvious plan B for me, with my relationship Rick Batt, I felt like Rick was a capable investigator and he could -- he could pick it up.

Q Okay. But the basis of my question was when you saw a conflict of interest, you engaged Rick Batt's services?

A I did.

Q Okay. But you did not terminate Landon Gary's involvement in the case?

A He was -- I guess probably utilized some more in some respects. I forget all the exacts.

Q Not just utilized. When Rick Batt comes back to report to you what he's done, you tell him to give that information to Gary Landon -- I'm sorry -- Landon Gary? I keep swapping the names.

A I probably did.

Q Okay. So Landon Gary was still involved in the investigation even though you saw a conflict of

interest?

A Again, I didn't really see the conflict. Somebody at the PD was concerned about him being involved. I liked Landon being involved, but I can see outside looking in, the 75/25 -- I don't think it's a true conflict.

Q But you left Landon Gary involved?

A He's very accessible, yes.

Q Even though the PD had a question of conflict of interest with him?

A He was not the primary guy after that.

Q If he was not the primary guy, why would you have Rick Batt report his information to Landon Gary?

A Landon Gary seemed to take more initiative.

Q Say what?

A Landon Gary seemed to take more initiative.

Q So he was the primary guy?

A I don't know. I never really thought about it in terms of who was primary and who was secondary, but --

Q So why did you just try and make the comment that Landon Gary wasn't the primary?

A Well, it was kind of a joint deal. We tried to put Rick out front. Sometimes it was -- Rick didn't have quite the -- I don't know.

Q Well, just a minute ago you tried to tell this jury that Landon Gary was not the primary, and now you're kind of waffling and saying, well, kind of, sort of, he was a go getter.

A I think -- I think it was more about who was gonna go interview Mr. May, and that's why Rick Batt went over there.

Q Okay. And you were --

A So maybe I should say, who was gonna have the direct contact with Mr. May would be Rick Batt, that's my recollection versus Landon, but there was lots more investigation to do that didn't involve any one on one contact with Mr. May.

Q And you were involved in that ongoing investigation?

A Yes.

Q In fact, you helped him engage in services of a handwriting expert?

A I did.

Q You sent that handwriting expert documents to examine, correct?

A I did.

MR. POND: May I approach the witness, Your Honor?

THE COURT: You may.

(Counsel confer.)

Q (By Mr. Pond) I'm going to hand you what I've marked as Defendant's Exhibit 1. Can you take a look at that?

A Okay.

Q Have you looked at that?

A I did.

Q Those are the documents you sent to Bob Robertson of District 24, correct?

A I believe so, yes.

Q That is how they appeared when you sent them?

A I believe so, yes.

MR. POND: May I approach the witness, Judge?

THE COURT: You may.

Q (By Mr. Pond) Let's look at document -- well, are those true and authentic copies of what you sent to Bob Robertson?

A I believe so, yes.

Q Nothing changed about the way you sent them?

A I don't recognize the notation at the top that says Document 1, 2, 3, and 4.

Q In those are his initials and how he identified the documents?

A Yes, I see now.

Q Okay.
A Yes. These appear to be what I sent him. Yes.
Q But you would agree that those documents are true and authentic copies of what you sent to Bob Robertson?
A Yes.
MR. POND: Your Honor, at this time, the defense moves to admit Defendant's Exhibit 1.
MS. WHATLEY: Objection, Your Honor.
THE COURT: You may approach.
(The following bench conference was had outside the hearing of the jury:)
MS. WHATLEY: I believe that that is the back portion of the report of Bob Robertson, who's a handwriting expert. I think he's just trying to admit the portion of the report that's not actually Bob's report. It's just what he looked at when he made his decision. There are documents, I believe, that are in there that are not associated with this case, that are, like, handwriting stuff from like pleadings on some other CF felony where Jason May was the attorney who did the plea, and so it's like the long form, the plea of guilty, and other things like that.
So I'm not sure -- because he's not the expert. Obviously, I understand experts can talk about

hearsay --

THE COURT: You're not providing the expert handwriting through him, are you?

MR. POND: No. These the documents he sent to the handwriting expert. These are the documents he sent to the handwriting expert -- examiner to examine. So I'm not getting into what the examiner said or did. Just that he sent them. There's a very specific -- can I grab the document?

THE COURT: Yes.

MR. POND: So he purports to have sent these documents to a handwriting specialist to analyze signatures. Some of these documents purport to be from this case. There is significant editing to the documents that he sent to the handwriting examiner. So it goes to his credibility on that he's sending fake documents to a handwriting examiner.

MS. WHATLEY: But those documents -- if you ask the expert -- he copied and pasted them in his report. Like, this is the back page of a full report. So Craig Ladd sent the full documents --

MR. POND: No.

MS. WHATLEY: -- to Bob Robertson.

MR. POND: Bob Robertson -- these are the exact documents that Craig said -- Craig just said that

these are the exact documents he sent the -- the handwriting guy.

MS. WHATLEY: It's obviously copy and pasted. They're not the full -- those are not the --

MR. POND: And that's my point. That they've been edited. He sent edited documents for his analysis. It's a huge credibility issue.

MS. WHATLEY: But this -- but the expert hasn't been called.

MR. POND: No. I'm not -- I don't have to call the expert 'cause these are the ones --

THE COURT: They can be admitted now, but reserve them only until Mr. Robertson testifies.

MR. POND: I mean, he said he sent these documents. Not like them. Not similar. These documents.

THE COURT: I understand, but I don't see how it's relevant at this point, unless we have the handwriting expert.

MR. POND: Because he's admitted to documents. The jury knows he sent edited documents. It's hugely important to his credibility. So the jury gets to see how they're crazy, cut up, and pasted.

MS. WHATLEY: I don't think that -- I don't think that's a fair question in terms of admitted to

documents. He --

MR. POND: He sent them.

MS. WHATLEY: Okay.

MR. POND: This is what he sent --

MS. WHATLEY: Can I finish please?

MR. POND: -- the handwriting --

MS. WHATLEY: May I finish? Edited, in terms of change. Not I'm taking the signature page of a plea of guilty and sending it. There's a different thing with taking a portion of a document and sending it and editing it, which he is meaning by changing it. I don't think that's a fair characterization of the question that you asked.

MR. POND: Then that's additional weight for the jury to get to see what he did to the edit them. Because look at this: Waiver of Wry Trial. He's purporting these are documents from our cases, but he changes the name of it, changes the format.

How can anyone believe he's being fair when he's sending edited documents. He said he didn't see any impropriety. This is reason to raise issues of his propriety when he's sending fakes documents.

MS. WHATLEY: There's no foundation that's been laid that these are fake documents.

MR. POND: He just admitted that these are

the documents, that he sent them. All of them. I made sure. These are the documents that he sent.

THE COURT: And you're proposing that these are fake?

MR. POND: They're edited.

THE COURT: I understand. It looks like they took a full document and cut it and pasted it to get multiple signatures.

MR. POND: Look at this. What's a Wry Trial. The actual document from this case is a Waiver of a Jury Trial.

MS. WHATLEY: I think that those are fair questions for Mr. Pond to ask Mr. Robertson because, in terms of like, how did you make -- because this, again, Judge, you're not looking at the full document.

There is a report that Bob Robertson did. This is in his report so, like, it's, like, basically these are the things that I looked at and I think maybe he labels 'em as --

MR. POND: Yeah. And --

MS. WHATLEY: -- like --

MR. POND: -- the only thing --

THE COURT: Are you trying to impeach him with this?

MR. POND: The only thing Bob Robertson says

is these are the documents that Craig sent him, and this is what he looked at. He didn't change them in any way.

THE COURT: I think it's improper impeachment unless you ask the question and then he testifies that something is different than what the document says. I don't think it's proper to allow it at this time. You'll probably be able to get it through with Mr. Robertson.

But it's improper impeachment. So the objection, right now, is sustained, but you can continue your line of questioning. It could be a minute later.

(Within hearing of the jury:)

MR. POND: May I approach the witness, again, Judge?

THE COURT: You may.

Q (By Mr. Pond) I'm gonna hand you back what's been offered as Defendant's Exhibit 1. A minute ago, we talked about these being the documents that you sent Bob Robertson.

A Yes.

Q Okay. And you wanted Bob Robertson to examine handwriting to see if Jorge Flores was signing some of these documents; is that correct?

A I -- I think what I enlisted him to do was to review the pleadings in the forfeiture case and

determine whether or not he thought there was evidence of forgeries.

And he asked me, "Can you send me some other known writing samples of Jason May?"

I said, Sure. I'm sure they would be on, like, a plea of guilty and summary of facts that -- the long form that people have to sign off on and attorneys fill out.

He wanted to see what he wrote like on a typical day, and so I think I sent him something to compare to the documents from the forfeiture case.

Q So you're saying he called you and asked for more documents?

A I think whenever I -- I reached out to him initially. But, yeah. I think he said here's what I'm gonna need.

And, again, I didn't -- it's been a while since I've looked at my correspondence with him or talked to him, but my recollection is that he said I need some writing samples from Jason May.

And I said, well, that's easy enough to get.

And I sent him -- we found some case that had a long felony plea form in it, which Mr. May would have filled out and signed off on, and I sent that to Mr. Robertson's request.

Q And the one you sent him was from a Jeremy Curt Lewis?
A I belive so.
Q If you saw the original, would that help?
A Yes. I mean, and this is --
MR. POND: May I approach the witness, Judge?
THE COURT: You may.
Q (By Mr. Pond) Would you take a look at that?
MS. WHATLEY: Is that marked as an exhibit?
MR. POND: No. I'm just using it to refresh his memory.
A I mean Mr. May --
Q (By Mr. Pond) Just take a look at it for a moment and we'll pose some questions.
A Okay.
Q Does that appear to be the document that you used to send something to Bob Robertson?
A I don't doubt that it is. I just don't remember exactly which felony plea form I sent to Mr. Robertson.
Q Well, look at the document that you sent to Bob Robertson. That appears to be the end of the form, right?
A This is -- it's been written on. It's got

misspelled words and typos --

Q Stop. Listen to my question please.

It looks like it's the ending of the plea form, right?

A Not really. It's different.

Q Okay. You see down here (indicating) where that square is cut out and it seems to be moved --

A Right. I think this is what Mr. Robertson must have sent me where he kind of edited stuff.

Q So a minute ago when I asked you if these were the documents you sent Bob Robertson, you said, "yes."

Now you're saying that you did not send these documents to Bob Robertson?

A No. I know I sent him some documents, but it says Jeremy Lewis signed this and Jason May and that's consistent with this, so yeah.

What I meant was I sent him the felony paperwork from Jeremy Lewis's case. I don't doubt that I did. I don't remember if it was actually Jeremy Lewis, but --

Q Well, sir, I asked you about three times if these are the documents you sent Bob Robertson and you said yes. So you're --

A I know that I sent him -- I don't -- I don't think you're misrepresenting to me that this is what -- I mean, you've looked at this case very closely. Yeah,

I would -- I don't doubt that this is what I sent to Mr. Robertson, that Jeremy Lewis, the felony paperwork, but this --

Q Okay.

A -- looks like -- this would have been -- I remember now Mr. Robertson sent back something where things had been edited, modified, copy and pasted, and -- but the emphasis was he was going to look at signatures to determine whether or not, in his professional opinion, he thought that they were fakes or forgeries.

Q So you are saying you did not send him these edited documents?

A I did not send him edited documents. No.

Q Well, I mean, I asked you very --

A I --

Q -- specifically --

A -- I --

MS. WHATLEY: Objection, Your Honor. Asked and answered.

THE COURT: I'm gonna overrule it.

MR. POND: I'll move on pretty quickly, Judge.

THE COURT: Thank you.

Q (By Mr. Pond) My question to you, sir, when I

handed you this Defendant's Exhibit 1, was very specifically: Did you send him --

MS. WHATLEY: Your Honor --

Q -- these documents?

MS. WHATLEY: -- at this time, I would ask that Mr. Pond ask questions either from the podium or from the chair.

THE COURT: Very well.

MR. POND: Okay.

Q (By Mr. Pond) I asked you specifically in Defense Exhibit 1, if these were the documents --

THE COURT: Mr. Pond, if you'll back away from the witness, please. Thank you.

Q (By Mr. Pond) -- these were documents you sent to Bob Robertson and you confirmed that you did send them to Bob Robertson, right?

A I confirmed that I sent him an Answer and Claim to Property, a Waiver of Jury Trial, that purportedly bears the signature of Jorge Flores, but this stuff at the top -- now that I'm looking at it again, it's clearly jacked -- I mean, this is not what I would have sent him. I would have sent him the actual documents. So I misunderstood you. I apologize.

Q Okay. Look at -- will you turn in your book to State's Exhibit No. 22.

A Yes.

Q State's Exhibit No. 22, is what purports to be the Waiver of Jury Trial that was filed in the CV cases, right?

A Yes.

Q Look at what's marked as Document 1 on Defendant's Exhibit 1.

A Yes, I see that.

Q At the bottom it appears to try to look like the Waiver of Jury Trial; is that correct?

A It does.

Q But it misspells words?

A Yeah, it's very poorly drafted.

Q Changes fonts?

A Yes.

Q Slides things around?

A Right.

Q Cuts it off and moves it to the second page?

A Yes.

Q And you confirmed a few minutes ago those were the documents that you sent to Bob Robertson, and now you claim you're mistaken about that, right?

A I was mistaken when I said that earlier. Clearly, the one that's filed in the court file in Carter County and marked as State's Exhibit 22 is what I

would have sent Bob Robertson. I just wanted him to look at the signatures on these documents and offer his professional opinion on whether or not they were forgeries.

Q I understand, sir.

A It would make no sense for me to -- well, I just sent him the actual documents is all I could do.

Q These documents look suspicious, don't they? 'Cause they're edited, right?

A The -- the ones that are marked State's 22?

Q All the documents that are in Defendant's Exhibit 1 are suspicious, aren't they?

A It's -- it's strange.

Q Yeah.

A It's not something that I sent to Bob Robertson. It's not something that --

Q Look at State's Exhibit 15, if you would?

MR. POND: May I approach again for a just minute?

THE COURT: You may.

Q (By Mr. Pond) As you're looking at State's Exhibit 15, will you look at documents numbered 2 and 3 in Defendant's Exhibit No. 1?

A Yes.

Q Document 2 has what appears to be -- trying to

be State's Exhibit 15 at the bottom and then continues on to Document No. 3, right?

A Yes.

Q And those also appear to be edited?

A Well, the signatures don't appear to be edited at all, but, I mean, yeah, the other parts are just wonky. I'm not sure what Mr. Robertson did with that. I'm not sure why that happened.

Q Okay. And these are documents, a few minutes ago you claim you sent to Bob Robertson, and now you claim you're mistaken about whether you sent them or not?

A I can tell you, unequivocally, now that I'm looking a little closer, I did not send these to Bob Robertson. I would have sent him -- I know I sent him the actual documents that were filed with the Carter County court clerk, and I sent him a copy of the felony plea form that Mr. May filled out with one of his clients.

Q Okay. You were -- you also testified at the grand jury?

A I did.

Q You were shown the entirety of the Bob Robertson report at the grand jury, correct?

A Yes, I believe.

Q You were handed the entirety of Bob Robertson, which included these documents, right?

A I think so, yes.

Q And you confirmed for the grand jury that you sent those documents to Bob Robertson?

A I did.

Q You did not tell them, "These look funny," right?

A I don't know that it was a big point of contention like it is here today, but no. I don't know if I was ever asked if they look funny to ya.

Q No. They handed you the report and said, "Did you send these documents to Bob Robertson?"

A They did. And even in the question that was posted -- and I don't know what page this is -- but it's from Ms. Nathan --

Q Page 26. Lines 14 through 16. You were asked if you --

MS. WHATLEY: Objection, Your Honor, to the form of the question. May we approach?

(The following bench conference was had outside the hearing of the jury:)

THE COURT: Mr. Pond, this is improper impeachment. Number one, the witness shouldn't have a copy of the deposition, and you should ask him a

question. He should answer the question. If he has given a prior statement, and you impeach him with that, with a line and page.

So I'm gonna instruct the witness to give all documents to Ms. Whatley or to yourself and then you can impeach him that way.

MR. POND: Can I examine what he brought with him? 'Cause I didn't know he had all this stuff with him.

MS. WHATLEY: That's just --

THE COURT: If he uses it for his testimony --

MS. WHATLEY: Just for record purposes, it's not something I gave him. I'm sure he had copies of his prior transcript so I just wanted to be clear. I think it's just the transcripts, but we can confirm.

THE COURT: The objection is sustained. Then I'll allow you to go through the impeachment process.

MR. POND: Yes, ma'am.

MS. WHATLEY: Do you want me to get the book from him?

THE COURT: Yes.

(Within hearing of the jury:)

THE COURT: Mr. Ladd, if -- other than the

exhibits that you have been presented in this courtroom, whatever documents that you have, please give to Ms. Whatley.

THE WITNESS: Oh.

THE COURT: Mr. Pond, you may continue.

MR. POND: Thank you, Judge.

Q (By Mr. Pond) So you were handed a report of Bob Robertson, which included these documents, correct? And you were asked to authenticate that report?

A I know we talked about Bob Robertson's report. I don't remember if I exactly authenticated his report. I'm sure the transcript would bear that out.

Q Do you remember being handed Grand Jury Exhibit Number 22?

A I don't. But I remember talking about the report.

Q Okay. And that was --

A I don't remember if it's marked. Are you talking about State's 22 in this case?

Q No. No. No. We're using Defendant's Exhibit 1, and talking about Bob Robertson's report.

A Okay.

Q And when you were handed that, you authenticated --

MS. WHATLEY: Objection, Your Honor. Can we

approach?

THE COURT: (Nodded head.)

(The following bench conference was had outside the hearing of the jury:)

MS. WHATLEY: Today, Defense Exhibit 1 is not Bob Robertson's full report. I don't -- I'm gonna be honest, I don't have -- off the top of my head -- a list of exhibits of the grand jury, but I don't believe they parsed it out in terms of, like, this copy and pasted as -- I think it was the full report, but I'm not sure, but Defense Exhibit 1 is not Bob Robertson's quote/unquote report.

THE COURT: Counsel, you need to rephrase.

MR. POND: Yeah.

(Within hearing of the jury:)

Q (By Mr. Pond) Defense Exhibit 1 is the documents from Bob Robertson's report, right? It doesn't actually --

A I don't -- I don't -- I don't have a copy of Bob Robertson's report. If I did, I could look at it and tell you whether or not this is the same thing.

Q Okay. At the grand jury though, you never raised any issues of you didn't send these documents?

A No. I told them that I sent just what I told the jury I sent: Waiver of Jury Trial, and Answer and

Claim of Property, along with a felony plea form --

Q Okay.

A -- filled out by Mr. May.

Q I understand. So let's talk about a bunch of the filings here in the CV cases that kind of brought us where we're at today. Okay?

A Okay.

Q Let's turn to State's Exhibits 12 and 13.

A Okay.

Q Those are entries of appearance, right?

A That's correct.

Q Where Jason May enters an appearance that he represents Jorge Flores?

A That's correct.

Q Nothing at issue there, right? That's pretty standard in a civil case?

A Absolutely.

Q Pretty standard in a criminal case to file an entry of appearance as well, right?

A The first thing you're supposed to do.

Q Okay. Let's look again at State's Exhibit No. 15, the Answer and Claim to Property. You got that in front of you?

A I do.

Q Okay. Nothing wrong with that, right? Answer

and Claim to Property is something that's usually filed in a civil case?

A Yes.

Q It actually has to be filed in a civil case?

A That's correct.

Q And it has to be verified by the client?

A Yes.

Q And you have a verification attached to this form?

A We do.

Q Okay. Nothing on its face screams that there's something wrong with it, right? It's got a notary on it?

A So are you asking me if I think there's anything suspicious about it?

Q I'm saying, on it's face, there's nothing that screams out unusual or weird. It's got a client's signature. It's got a notary, right?

A Procedurally speaking?

Q Right.

A Yes.

Q Okay. There on page three, is the notary stamp, right?

A Yes.

Q It's got a signature for the notary?

A It does.
Q Below the client's signature?
A That's pretty standard with a notary, yeah.
Q Nothing about that notary stamp stands out that says it's fake in any way? Not on its face?
A I agree.
Q Okay. And, obviously, since now you've been practicing civil law, are you more familiar with how the notary rules work?
A Yes.
Q You're aware that Title 49 covers notaries?
A That sounds correct. Yes.
Q And it says, that a notary stamp and a signature is prima facie evidence of the veracity of the signature?
A True.
Q And that the whole reason we have notaries is so we don't have to verify them, right?
A To make sure that the person is who they say that they are.
Q Yeah. Sure. And the statutes say anybody getting a notary, has the right to rely on that notary, right?
A Yes.
Q Title 49 also says that the notarial acts of

foreign notaries, those in another state, are given the same weight as those in the state, right?

A I'll take your word for it.

Q Title 49 Section 116 Sub C Sub B. Does that sound about correct?

A I'll have to take your word for it. I don't know that one off the top of my head, sir.

Q Okay. And, in fact, in your civil practice you rely on notaries?

A Yes. I got one right across the hall, that's all I need.

Q Okay. Well, I mean, when your client's send you notarized documents --

A Sure.

Q -- and they send them from foreign states? You got one from California right now, right?

A Yes.

Q So you also rely on those?

A I do.

Q Okay. I want to take us to State's Exhibit No. 27.

MR. POND: Will you pull that up please?

A Okay.

Q (By Mr. Pond) For our purposes, it hasn't been admitted yet, but I'd like you to also -- if you'll mark

that page for yourself and also look at State's Exhibit No. 36. You see what I'm looking at?

A Entitled "Verification of Death"?

Q And it's not been admitted so I don't want to get the substance of it out, but I have some questions to kind of look at the two so we can talk about them. Okay?

A Okay.

Q So when we're looking at State's Exhibit No. 27, it has a Verification of Death, correct?

A Yes.

Q And it's from the State of Texas?

A It is.

Q It's got all the accoutrements to say it's from an official place?

A It looks fairly official. Yes.

Q And then Exhibit 36 is just a more detailed version of that?

A It is.

Q Okay. And we've already discussed this, but law enforcement has the access to get those more detailed versions, right?

A They do.

Q So it's not unusual that Jason May wouldn't have had access to the more detailed version; is that

fair?

A I think that's fair.

Q Okay. So if this is all he could get, it's fair for him to rely on it as much as it purports to give information?

MS. WHATLEY: Objection, Your Honor. Speculation.

THE COURT: Overruled.

A If I'm in Mr. May's position, I would have called the -- the nursing home and left a message for somebody to call me, to verify that this was the same Jorge Flores that I represented, allegedly.

Q (By Mr. Pond) Which we've already heard they won't tell him.

A They said they wouldn't take a message and have the family call him?

Q Okay.

A And I would also reach out to the funeral home, and say, I think you did a funeral for Jorge Flores. Can you leave a message to have Alicia give me a call? I mean, that's what I would have done. I wouldn't have relied upon this before I signed off on a verification that it was true and correct.

Q I understand your feelings, but this is what he had access to, right?

MS. WHATLEY: Objection, Your Honor. Speculation.

MR. POND: He's already testified that he doesn't have access to the more detailed version.

THE COURT: Approach, Counsel.

(The following bench conference was had outside the hearing of the jury:)

MS. WHATLEY: My objection is speculation because Mr. Ladd does not know what Mr. May had access to. We know that he filed the verification that is in State's 27, that's attached, that's what's attached, but Mr. Ladd doesn't know what Mr. May had access to. He has no idea.

MR. POND: He actually said that. He said he knows that civilians don't have access to the detailed version.

MS. WHATLEY: I think he said the same things as maybe law enforcement, but he doesn't know all the things that Mr. May may or may not have had access to.

MR. POND: Then he shouldn't have said he knew he didn't have access to it. He's already said that.

THE COURT: I think the question's been asked and answered. He answered it and indicated that

he would have contacted those facilities, so --

MR. POND: Okay.

THE COURT: -- move on.

(Within hearing of the jury:)

Q (By Mr. Pond) You and the state discussed some of the filings that were in the CV cases, right?

A We did.

Q Didn't discuss all of them?

A That's correct.

Q Because Mr. May became aware that he was under investigation and you were looking into the propriety of his claims, about September 30, right?

A Could you rephrase that please?

Q Are you aware that Mr. May became aware of your investigation of him on or about September 30, 2022?

A That's correct.

Q Okay. And that's after he had the conversation with you about having your guys check out more, right?

A That's correct.

MR. POND: May I approach the witness, Judge?

THE COURT: You may.

(Counsel confer.)

Q (By Mr. Pond) I'm gonna hand you what I've marked as Defendant's Exhibit 2. Can you take at that

look at that?

MR. POND: And, just for record purposes, I took Defense Exhibit 1 back from Mr. Ladd.

THE COURT: Very well.

MR. POND: I'm gonna leave it with the court reporter for now.

THE COURT: Yes, sir.

Q (By Mr. Pond) Does that appear to be the document that was filed in these two CV cases?

A Yes.

Q And that's a Motion to Stay Proceedings --

A That's correct.

Q -- that was filed by Mr. May?

A Yes.

Q And that was filed on October 3?

A Yes.

Q So just -- which would have been the Monday after he found out he was under investigation, right?

A That's true.

Q This is a true and authentic copy, you can tell from the certification on the second sheet?

A Yes.

MR. POND: Your Honor, at this time, the defense moves to admit Defense Exhibit 2.

MS. WHATLEY: No objection, Your Honor.

THE COURT: Defendant's 2 is admitted without objection.

Q (By Mr. Pond) Okay. And this motion to stay proceedings, Mr. May starts talking about he's not sure -- that your information might be correct, right?

A That's true.

Q And I need time to figure all that out, right?

A Yeah. He needed some time to figure out if his client was dead.

Q When we are talking about whether his client's dead, you had spent time over the course of these cases telling him that his client was probably dead, right?

A I was very skeptical from the beginning that he was retained by the guy that we took this money from -- or I shouldn't say "we" -- that money was seized from on the interstate.

And so I would say to him, you know, have you ever met your guy?

And he would say no.

And he was very upfront. He said he's afraid to come back to Oklahoma. He knows you guys would deport him.

So it's one of those deals like, I couldn't really prove that he didn't really represent the guy, but that was certainly my belief, and I thought it was a central

issue to the motion to suppress, and my opinion and understanding of the law in a motion to suppress -- it's kind of complicated -- probably shouldn't get into it -- but to show standing, you got to show that you're representing the person whose vehicle was actually searched, and so I felt like he should have to produce him to show that he had an expectation of privacy in that vehicle that was searched and so I felt like it was a matter of law he had to present him.

And I made some jokes to Mr. May about, you know, after losing $367,000 of the cartel's money, he's probably dead in a ditch somewhere, you know, he's not even around, I'm sure they -- I've watched enough TV, I bet they've offed him.

Q So you --

A So, yeah, there was a running joke between me and Mr. May about is he even still alive and that was early on.

Q I mean, it was really early on, right?

A It was.

Q You, in fact, mention in it one of your first responses to his motion to suppress, right?

A Yes.

MR. POND: Your Honor, may I approach?

THE COURT: You may.

(Counsel confer.)

Q (By Mr. Pond) I'm gonna hand you what I've marked as Defendant's Exhibit No. 3. Would you take a look at that.

Have you had a chance to look at that, sir?

A I did.

Q That's a response that you filed to Mr. May's motion for -- make sure I get it right -- motion to suppress, right?

A It is.

Q That's a true and authentic copy of that as you can tell by the record certification?

A It is.

MR. POND: Your Honor, at this time, defendant moves to admit Defendant's Exhibit 3.

MS. WHATLEY: Can I approach, Your Honor?

THE COURT: You may.

(The following bench conference was had outside the hearing of the jury:)

MS. WHATLEY: I know we've admitted a lot of documents, and the state chose which ones to admit -- because I didn't want the jury to be reading through a bunch of motions that contained a lot of conclusion of law -- or, like, arguments about law and case law -- so I certainly understand the questions about, what he was

saying, and at what time he was saying them. I just worry that in these bigger motions that have, like, a lot of 4th Amendment case law, that's not relevant, that that's going to be given to the jury as an exhibit, and they're gonna back there and be discussing constitutional law or something, when this case isn't about that.

So I have an objection as to all parts of that, but certainly I understand the question and getting a timeline. I'm not trying to be difficult. It's just there's a lot of motions that have a law in cases that are outside of statements from the defendant.

MR. POND: And we can do -- the court of crims has been clear if you instruct a jury, the jury is going to follow their rule. So we can instruct the jury not to consider the statements of law, but just what he put in here is his statements of fact as it pertains to his testimony.

THE COURT: Can I see a copy?

MR. POND: Yeah.

(The Court reviewed Defendant's Exhibit 3.)

THE COURT: Counsel, what's the purpose of entering this document? I have a concern that there's some facts in here -- it's almost like entering a police report.

MR. POND: We can admit it as a Court's Exhibit for the moment, and then if we want to have a outside of the presence meeting to redact stuff, I'm okay with that as well.

THE COURT: Okay.

MR. POND: But mostly it's for his assertions that Jorge Flores was dead or could have been dead, that's my main purpose.

THE COURT: Do you know where that is in here? You've tabbed it for me.

MR. POND: Pretty close.

THE COURT: I'll give you a minute and have it redacted except for that paragraph. Any objection?

MR. POND: I can do that.

MS. WHATLEY: No objection to that redaction.

MR. POND: A full minute and when redacted it appropriately, I'll offer it outside the presence of the jury.

THE COURT: Very so.

MS. WHATLEY: And just to be clear, I wasn't objecting to authentication or anything like that --

THE COURT: So Defendant's 3 will be admitted with the redaction.

MR. POND: I'll only talk about that

paragraph.

MS. WHATLEY: It will jut be that paragraph then.

THE COURT: And case caption obviously.

MR. POND: Yeah. Yeah.

MS. WHATLEY: Yes.

(Within hearing of the jury:)

MR. POND: For formal purposes, Judge, the Defendant's exhibit 3 is still offered for admission.

THE COURT: Yes, sir. I'll note that for the record.

MR. POND: Pending your limitations.

THE COURT: Yes, sir.

Q (By Mr. Pond) Mr. Ladd, if you'll turn to page 3.

A Okay.

Q That third full paragraph.

A Yes.

Q Do you see it's in that paragraph where you start to discus that Jorge Flores is or might be dead, right?

A Yes.

Q Do you see where I'm talking about?

A I do.

Q Okay. And that was filed August 12 of 2019?

A Yes.
Q So that's fairly early in the CV proceedings?
A Yes.
Q Okay. And that's just another motion that wasn't discussed yesterday, correct?
A That's correct.
MR. POND: Can you bring up 16?
Q (By Mr. Pond) Will you turn to Exhibit 16 in your evidence book?
A Yes.
Q And I know we're approaching an hour and a half or so, I'm getting pretty close to done, so everybody calm down, and we'll get there pretty quick.
Okay. So Exhibit No. -- State's Exhibit No. 16 are the interrogatories that were delivered to you by Jason May, correct?
A Yes.
Q Okay. And just a few minutes ago, I think what you were telling the jury is that you were skeptical earlier on that Jason May represented the Jorge Flores that the money was taken from; is that correct?
A Yes.
Q Now, you knew he represented somebody, right?
A I knew he claimed to represent somebody. I didn't really believe he did.

Q You're not -- so you think he didn't have a client at all?

A I really don't, but I couldn't prove it, so --

Q Right.

A -- you have to take him at his word. He's an officer of the court. So he said, I represent Jorge Flores. That's good enough.

Q Well, you said in other hearings that he represented somebody. It just might not be the same Jorge Flores?

A Well, had to concede that -- to make hypothetical arguments in terms of, like, you know, a brief on a motion to suppress, you have to take the facts as they've been presented. I mean, I -- he -- as I said, he's an officer of the Court, he said he represented him, and so if I don't have any other proof, other than my gut feeling, I have to accept that and the Court has to accept that, and so we did.

And so then you take it to the next level, and say, okay. Assume for the sake of argument -- which we do all the time in law, in courtrooms -- assume he really does represent somebody that he believes to be Jorge Flores, that could be an imposter, and so I used that argument.

Q Okay. But you've said in front of a judge at a

hearing that he represents a person, right?

MS. WHATLEY: Objection, Your Honor, to the form of the question. What hearing? What date? I mean there's --

MR. POND: You said that was the improper way to do it. So I'm trying to ask the question, then I can lay down the foundation for the impeachment.

THE COURT: The objection is overruled.

MR. POND: Okay.

Q (By Mr. Pond) You stood in front of a judge and said he represents a person, but it might be the wrong person. You've said that, right?

A Which judge?

Q Judge Morris. Do you remember being at the motion to suppress hearing?

A Yes.

Q It was --

A At that -- at that time, I -- I didn't know. I'm not gonna say he didn't represent him at all if I don't have any evidence of it.

Q Well, you said from the beginning you didn't think he represented any client. Now you're saying --

A My opinion is not really admissible evidence typically.

Q Well, it is when you're running the

investigation though, isn't it?

A Not really. I was trying to figure out whether or not he really represented him.

Q Okay. So at some point you thought he represented maybe somebody, maybe nobody, you weren't really sure --

A No. It was for the sake of an argument like in a pleading you say "assuming" or "arguendo" I mean, that's a term you use in briefs all the time, for the sake of argument, that he really does represent somebody named Jorge Flores. It could be somebody -- since he's never met him -- that's just an imposter.

Q Did you say to Judge Morris "arguendo" or "for the sake of argument"?

A Can you tell me -- you said at the motion to suppress?

Q Motion to suppress. June --

A I --

Q 28, 2019?

A I -- no. But, I mean -- no. I probably didn't.

Q You didn't --

A But I -- I didn't have any evidence at that time, that was my gut feeling about it.

Q Okay. But when you get these interrogatories,

you had information that he represented the right guy, didn't you?

A What do you -- what do you mean exactly?

Q Look at the interrogatories if you would.

A Okay.

MR. POND: If you could turn to No. 4.

MS. WHATLEY: Is that State's 16?

MR. POND: Yes.

A Which one in particular?

Q (By Mr. Pond) No. 4. Interrogatory No. 4. You see which interrogatory I'm taking about?

A I do.

Q You see the answer that was given in response to that interrogatory?

A Yes, I do.

Q In that response to the interrogatory, it talks about 30 bundles being in the car; isn't that correct?

A Yes. I remember reading this whenever I received it from Mr. May.

Q And as we've discussed, Corporal Grisham only found 29 bundles?

A Right.

Q But you are well aware that there are, in fact, 30 bundles in that car, aren't you?

A No.

Q You're not aware of that?
A I mean, I was not on the roadside. I don't know. I thought there was 29 bundles.
Q Do you remember filing case CV-22-158?
A CV-22-158.
Q Do you remember in May of 2022, the fire department was operating on the vehicle that was seized in this case?
A I remember there was something about -- yes.
Q Because that vehicle was kept in city impound, right?
A Yes.
Q And then it was given to --
A He never came back to get his car.
Q It was given to the fire department?
A Right.
Q The fire department was operating the Jaws of Life? They were doing a --
A I remember --
Q -- training exercise?
A I remember what you're talking about. Yes.
Q Okay. That vehicle was never actually seized, was it? You never went through a forfeiture proceeding on it?
A No.

Q Okay. But you gave it to the fire department to work as a training tool?

A I didn't give it to the fire department, no.

Q Okay. Somehow the fire department ended up with this vehicle, right?

A They did.

Q And they were operating a training exercise with the Jaws of Life?

A That's right. I remember something about it.

Q And a 30th bundle fell out?

A I'd have to see some pleadings. I don't remember off the top of my head.

MR. POND: May I approach the witness, Judge?

THE COURT: You may.

(Counsel confer.)

MR. POND: May I approach the witness, Judge?

THE COURT: You may.

Q (By Mr. Pond) I'm gonna hand you -- well, I'm gonna hand you three documents marked Defendant's Exhibit 4-A, 4-B, and 4-C. Take a look at 4-A to begin with.

A Okay.

Q Have you had a chance to look at 4-A?

A Excuse me. Give me a minute. I haven't, not thoroughly. I'm gonna look at everything very thoroughly --

Q Okay.

A -- that you ask me to authenticate. It appears to be a petition of seizure and forfeiture of $8,000.

Q Well, we can't talk about the substance too much yet.

A True. Okay.

Q Okay. So you looked at 4-A?

A I have.

Q You understand what it is?

A I didn't file it, but it looks like it's Ms. Handke's signature.

Q Okay. Take a look at what I've marked as 4-C. Does that appear to be the affidavit which supports the petition for 4-A?

A Yes.

Q Okay. And then if you would take a look at 4-B. Does that appear to be a journal entry memorializing what happened based on 4-A and 4-C?

A Yes.

Q Okay. And each one of these documents are for CV-22-158 in Carter County; is that correct?

A That's correct.

Q Each one of them bears the certified true copy stamp from the court clerks office?

A Yes.

Q And do these all appear to be true and accurate copies of the documents they purport to be?

A Yes.

MR. POND: Your Honor, at this time, defendant moves to admit Exhibits 4-A, -B, and -C?

MS. WHATLEY: May we approach, Your Honor?

THE COURT: You may.

(The following bench conference was had outside the hearing of the jury:)

MS. WHATLEY: I do not question the authenticity of these documents or what's going on. These were never listed as exhibits in their discovery. They were never handed over to me. I understand I have access to civil filings as well, but they were not handed over. They're not on their exhibit list and I have no notice of this.

MR. POND: I didn't anticipate they would be necessary. I thought he would tell the truth. He's saying he didn't know anything about it, and these are direct documents that conflict with that.

These are the exact documents that say he didn't know there was a 30th bundle, when he signed off on

documents where there was a 30th bundle. So I at least get to use them to impeach him.

MS. WHATLEY: But then you don't get to use extrinsic evidence for impeachment purposes.

MR. POND: I get to impeach him with his statements in here.

THE COURT: I don't think that means that documents themselves would be admitted.

MR. POND: Right.

THE COURT: I think present them to him and you impeach him using them, but they're not admitted.

MR. POND: I disagree with --

THE COURT: If it's only impeachment purposes.

MR. POND: It's also substantive because it goes to prove the 30th bundle, and that's at that core of our defense. He knew our client represented somebody because he knew there was a 30th bundle, and the only person that would know that is the person that was in car.

MS. WHATLEY: There's also two CV cases where there's 29 bundles and another CV case 12 and 13 where there's the 10,000. 29 plus one also 30, like --

MR. POND: No. 'Cause they were very clear that the 10,000 was one thing. The 29 bundles was a

complete separate, and this is this 30th bundle.

MS. WHATLEY: They are not very clear that that's the 30th bundle because Eric Grisham wasn't even working for APD when they discovered this.

MR. POND: No. When --

MS. WHATLEY: This is in 2022.

THE COURT: Do they dispute that was discovered in the same vehicle.

MR. POND: No.

MS. WHATLEY: No. No dispute about the vehicle.

THE COURT: Okay. Then Defendant's A, B, and C is admitted over objection.

(Within hearing of the jury:)

Q (By Mr. Pond) so, Mr. Ladd, you were, in fact, aware that there was a 30th bundle seized from the car of Jorge Flores, correct?

A What was the date on that again?

Q When they were filed?

A Yeah.

Q So here. We'll --

MR. POND: May I approach, Judge?

THE COURT: You may.

Q (By Mr. Pond) So you agree the petition was -- as 4A, was filed November 21, 2022?

A Yes.
Q Okay. And the affidavit was filed January 26 of '23?
A Yes.
Q And then your journal entry that you signed was filed January 26 of 2023, correct?
A Right.
Q The affidavit indicates that this was seized from the car of Jorge Flores, right?
A It does.
Q Okay. It also gives two different dates that it was seized, on the 16th of November 2022, right?
I mean, it's written right there.
A Say that again.
Q It indicates that this was seized on the 16th day of November 2022?
A Yes.
Q Right here (indicating)?
A Yes.
Q But it also says down here (indicating) that it was also seized on the 5th of February 2019? Yes?
A Yes.
Q And it gives all the information about Jorge Flores?
A Right. It appears there was a 30th bundle in

the car.

Q Seized from the car of Jorge Flores?

A Yes.

Q From the car where you agree there were no forfeitable substances found, right?

A True.

MR. POND: May I approach the witness, again, Judge?

THE COURT: You may.

Q (By Mr. Pond) I'd like you to take a look at what's been admitted as Defendant's Exhibit 4-B, subsection 2. Do you see where I'm pointing you to?

A Yes.

Q That's -- that's a paragraph that indicates that the $8,000 was found in close proximity to forfeitable substances, right?

A Yes. That's a mistake.

Q It says, "The money was found in close proximity to forfeitable substances." Right?

A It does say that. Yes.

Q And you know there were no forfeitable substances?

A I do. That's --

MS. WHATLEY: Objection, Your Honor. May we approach?

THE COURT: You may.

(The following bench conference was had outside the hearing of the jury:)

MS. WHATLEY: I understand that Mr. Pond is trying to impeach, and needs to use the documents, but then once he gives the documents, he remains right up there and keeps asking questions.

So I would just ask that if he's going to continue to stand up there and it's -- Mr. Ladd doesn't appear to need his help getting to a document -- either back away that he ask questions from the podium or from his table.

THE COURT: Mr. Pond, would you give him the document and back away --

MR. POND: Sure.

THE COURT: -- either to the podium or your table and then direct him to what document you're talking about, paragraph, page, that sort of thing.

MR. POND: Yes, ma'am.

THE COURT: Thank you.

(Within hearing of the jury:)

Q (By Mr. Pond) So you have filed in the district court, a document with false statements, right?

A Not intentionally, no.

Q I didn't ask you intentionally. I said, You

filed a document that had false --

A There's --

Q Sir --

A -- there's a mistake --

Q -- listen to my question please. You have filed in the district court, a document with false statements?

A No. False implies that I knew that it was in there and I just signed off on it anyway and did it intentionally. That's what false means to me.

Q Sir, listen to my question please. Is it true that there were forfeitable substances?

A No. It's not true. And I think the affidavit, I think would bear that out, that was filed with that, right?

Q Okay. Let's take a look at that 'cause you would have reviewed the affidavit in order to do this journal entry?

A I -- I was familiar with the case. I knew there wasn't forfeitable substances.

Q Sir, would you have reviewed the affidavit in order to do the journal entry?

A I think that would have been reviewed by Ms. Handke.

Q If you're saying the affidavit would clear up

the forfeitable substances issue, did you review the affidavit in order to write the journal entry?

A I'm -- I'm asking for permission to look at the affidavit.

Q I'm asking what you did first and then we'll talk about what you can --

A I don't remember.

Q Okay. So take a look at subsection 2 of the affidavit at Defendant's 4-C. Subparagraph 2 indicates there were forfeitable substances, right?

A No. It says -- at the very end it says "or within a reasonable time after such period and there's no other likely source for such currency." There's an "or."

Q Look at the beginning of subparagraph 2. What's it say?

A It says, "It was located in close proximity to forfeitable substances in violation of the Uniform Controlled Dangerous Substances Act, and said currency was acquired from Humberto Panama Leon AKA Jorge Luna Flores, during the time period in which Humberto Leon Panama AKA Jorge Luna Flores violated the Uniform Controlled Dangerous Substance Act, or within a reasonable time after such period and there was no likely source of such currency."

Q So the "or reasonable time" that you were just talking about refers to the currency that was seized not the forfeitable substances, right?

A It's --

Q I mean, you know basic English and what --

A Yeah, I understand English.

Q So paragraph sub 2 says there was forfeitable substances. Yes?

A I -- I read it as -- I know how these are normally pled.

Q I didn't ask you that.

A -- there's --

Q Answer my question. Does it say there were forfeitable substances in close proximity to the currency?

A I think that it says "or "after all that. To me the "or" at the very end of it means, or in the alternative, there's no forfeitable substances, but this is drug money.

Q Okay.

A That's how I read it.

Q And then you put the forfeitable substances in your journal entry, right?

A I didn't -- I didn't draft that. I didn't review it as carefully as, I guess, I should have.

Q And you made a mistake?
A I made a mistake.
Q And mistakes are okay, right?
A Mistakes?
Q Mistakes are okay?
A Yes. That are unintentional, yes.
Q Because we're humans. We don't necessarily have all the information when we file something, right?
A Before I would sign a verification, sir, I would make sure it was true and accurate.
Q Well, you don't even do it for a journal entry so why would you do it for a verification?
MS. WHATLEY: Objection, Your Honor, argumentative.
THE COURT: Sustained.
Q (By Mr. Pond) So what I'm getting as is you made mistakes, and nobody filed charges against you, right?
A Yes. I didn't get charged with a crime over saying that in the journey entry, no.
Q Okay. You didn't get charged with a crime?
A Approved as to form. I say, approved as to form, no. I didn't.
Q Okay. So there was a 30th bundle, right?
A There was.

Q And we agree that the interrogatories were given to you in early 2019?

A Yes.

Q So the person who loaded that car with 30 bundles is the one that would know there's 30 bundles in it, right?

A Not necessarily.

Q Okay. You know Jason May may didn't know there were 30 bundles in there in 2019; is that fair?

A I remember in 2019, when I read that, I thought -- I mean, it does say 29. I can see why somebody -- if you're being skeptical -- there, you know, this is kind of an odd number. Why not say there's 30, and it was kind of a jab at law enforcement with the implication being you stole one of the bundles.

Q And then it turns out to be accidently true; that's what you're saying?

A Well, I think in Mr. May's interrogatories it should have been 380,000.

Q It says "approximately," right?

A Right.

Q Read it again. It says "approximately," correct?

A It does. It --

MS. WHATLEY: Objection, Your Honor, to the

form of the question. He's -- he's not even letting him look at something. He saying, read it again. And then immediately asks a question. The witness needs to have time to either read it and then respond.

MR. POND: I'll rephrase it, Judge.

THE COURT: Thank you.

Q (By Mr. Pond) The interrogatories say approximately 380,000, right?

A It says "approximate" yes.

Q $357,000 was seized as the 29 bundles?

A Yes.

Q 10,000 was seized out of the trunk? Yes?

A Yes.

Q And then another 8,000 was seized as the 30th bundle?

A Yes.

Q That equals 375,000?

A Yes. If you're -- yes.

Q Which is approximately $380,000?

A Or you could say 365 if you're talking about the 29 bundles in the compartment. If we're talking about the bundles that were in the compartment, which is 357,000 plus 8 is 365. It's not 380.

Q No. But it doesn't say it's 380. It says approximately?

A Right.
Q And 375 is approximately, right?
A I would say it's 365 not 375 because we're talking about the 29 bundles in the secret compartment.
Q In his interrogatories he's talking about 30 bundles, right?
A He said there were 30 bundles in the secret compartment. Not 29.
Q Okay. And there were --
A And it should have been 380,000.
Q It said approximately 380,000, right?
A It says approximately.
Q Okay.
A I would say 357 plus 8 is 365. Not 370.
Q Plus ten in the trunk?
A I'd have to go back and look at the interrogatories I guess, sir.
Q Okay. That's fine.
A I mean it's real specific in the --
Q Sir, there's not a question pending.
THE COURT: Counsel, approach.
(The following bench conference was had outside the hearing of the jury:)
THE COURT: We need to take a morning break, so --

MR. POND: I think I'm done. Can I have just a minute to review?

THE COURT: Yes.

(Within hearing of the jury:)

MR. POND: Pass the witness, Judge.

THE COURT: Counsel, before we do redirect, we need to take our morning break. Ladies and gentlemen, I will remind you not to discuss this case with anyone or allow anyone to discuss this case with you. If they do, report it immediately to me, my bailiff, or the clerk. Everyone remain seated as the jury exits the courtroom.

(Jury dismissed.)

THE COURT: All jurors have exited the courtroom. Before we take our break, there's a couple things I want to address. I did allow cell phones today due to the weather. However, your cell phone should be turned off. If a phone goes off or if I see it, I will take it.

Additionally, I want to address any outbursts, comments, facial expressions during testimony, if that occurs, you will be asked to leave. Remember, this is a professional setting. These ladies and gentlemen of the jury have a job to do, and they don't need any outside influence from anyone else in this courtroom, only what

is admitted on this witness stand.

And that goes for everyone in here. Again, you will be asked to leave.

Counsel, is there anything else that we need to address before we take a break.

MR. POND: Not on the record.

MS. WHATLEY: No. Not before we come back, Your Honor.

MR. POND: You say 15 minutes?

THE COURT: Yes, sir. We'll come back at eleven. We'll be in recess.

(Recessed.)

THE COURT: Back on the record. All jurors, attorneys, the defendant are present.

Mr. Ladd is still on the witness stand.

And redirect, Counsel.

MS. WHATLEY: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. WHATLEY:

Q Mr. Ladd, do you recall Mr. Pond asking you questions about that September 28 conversation in this courtroom?

A Yes.

Q Okay. And just to be clear, September 28, is that after State's Exhibit -- the book's right in front

of you, Mr. Ladd -- State's Exhibit 27? Can you go to 27.

A Yes.

Q Is that after State's Exhibit 28 has been filed?

A Yes.

Q Okay. And what's the date on State's Exhibit 28?

A September the 14th.

Q Okay. And that's the -- the State's Exhibit 27, the Suggestion of Death, filed on September 14, that's the one where the defendant says it's true and accurate and basically swears that information is true and correct and that his client is dead in Brownsville, Texas?

A Yes.

Q Actually Cameron County, Texas --

A Yes.

Q -- is that correct? Now, at that time did you have any information about Brownsville, Texas, on September 26, or do you know?

A What information exactly?

Q That the Jorge Flores that's the subject of this Verification of Death actually died at Fox Hollow in Brownsville, Texas, on the border?

A Yes.

Q Okay. And, again, just to talk a little bit about that September 28 conversation. Prior to September the 28th, so before you have that conversation with Mr. May in this courtroom, and after he's filed the Suggestion of Death and Substitution of Parties, did Mr. May ever ask you, Mr. Ladd, to help him in trying to get a certificate of death for the Jorge Flores who was the subject of the civil asset forfeiture cases?

A No.

Q To your knowledge, did he ever ask any other person in your office?

A No.

Q To your knowledge, did he enlist Ms. Handke to try to help him locate a certificate of death or official documentation?

A Yes.

Q If he had asked you, Mr. Ladd -- if Mr. May came to you and asked you those questions, hey, I think my client might be dead. I'm running into some road blocks because I'm not law enforcement. Can you assist me? What would you have done?

MR. POND: Objection: Speculation and outside the scope.

THE COURT: Overruled. You may answer.

A I would have reached out to our investigator and made him available. I would have shared Jason's cell phone with Adam, that was the investigator's name.

Also, I would say Mr. May knows Landon Gary and Rick Batt, kind of my point people at the police department, sheriff's department and I would have encouraged them to help Mr. May figure out whether or not this was the same guy.

Q (By Ms. Whatley) Okay. And did you ever tell law enforcement whether it be Landon Gary, an investigator with the DA's office, or Rick Batt, or any other person from the sheriff's office not to assist Mr. May in trying to get a certificate of death or some sort of official verification?

A No.

Q Okay. The -- we've talked quite a bit -- a lot really -- about the civil asset forfeiture cases that began in 2019. Throughout that process, were you required by law to share information in the discovery process with the defendant, Mr. May?

A No.

Q You weren't required to give discovery in the civil asset forfeiture cases?

A Yes. Whenever he filed his interrogatories, request for production, and request for admissions, and

I complied with those.

Q And I believe those would have been maybe the first defendants -- the first time the defendant asked for that, would have been State's Exhibit 14, which is the respondent's first -- oh, that's the first discovery to plaintiff.

A Yes.

Q Is that what that is?

A It is.

Q Now, within that discovery process with the civil asset forfeiture case, we've talked a lot about those interrogatories that were State's Exhibit 16, but I don't know that we've been as clear about what other information is shared between parties.

So whenever you are providing discovery, do you provide the police reports for the civil asset forfeiture case, if they are asked?

A Yes.

Q And if Mr. May asked for those police reports, would you or someone in your office handed those over in discovery?

A Yes.

Q And do you believe that that happened in this case?

A If that was one of the things that were

requested -- and I believe it was. I haven't looked at the request for production of documents, but yes. That's very standard.

Q Does some of the filings -- obviously there's been talk about a motion to suppress, and a lot of things that maybe haven't been filed -- or haven't been admitted as exhibits because there was a lot of motion practice -- but do some of those motions, the motion to suppress and things like that, would those require an opposing party -- require an opposing party to have access to those police reports to be able to even be able to file those motions?

MR. POND: Objection: Leading.

THE COURT: Sustained.

Q (By Ms. Whatley) Mr. Ladd, based on the motion practice and the defendant, Jason May, filing a motion to suppress and his arguments in the motions to suppress, as well as your response that you have been shown today, do you believe that police reports were handed over to Mr. May in the civil asset forfeiture case?

A Yes.

Q There was some testimony related to the money, and who gets the money, and the 75/25 percent split -- if, let's say, the state is not successful. If the

state is not successful, and the money goes back to the original claimant, in this case, Jorge Flores, are there limitations on how that money is spent in that way?

A No.

Q Did my questions make sense?

A I believe so. It's typically a contingency agreement between --

MR. POND: Objection. He's speculating.

THE COURT: Sustained.

Q (By Ms. Whatley) We had -- there'd been several questions, both by myself and Mr. Pond, as it relates to if the state were successful, the DA's office gets 25 percent and the defense gets 75 -- or not defense -- Ardmore PD gets 75 percent. Do you recall those questions?

A I do.

Q If the state is not successful -- and this case would have been Judge Morris -- and Judge Morris determined that you couldn't meet your burden, where does the money go?

A It's returned to the claimant.

Q And then at that point, there's no limitations on what happens with that money, is that correct?

A That's correct.

Q There was this conversation, again, on

September the 28th in this courtroom; is that correct?

A Yes.

Q And at that time was it -- did the defendant tell you he had talked to Alicia Flores?

A Yes. He had told me he had recently spoken to her.

Q And he had recently talked to her and she had lived at that address off Pasadena in Texas?

MR. POND: Objection: Leading.

MS. WHATLEY: I'm sorry.

Q (By Ms. Whatley) Where did she live?

THE COURT: Sustained.

MS. WHATLEY: Sorry, Your Honor.

A He told me -- I asked, "So you're telling me she lives at 710 Valerie Lane, Pasadena?

And he said. "Yes."

Q Was there ever a time when -- during the pendency of these cases -- these civil asset forfeiture cases that Mr. May came to you and said, hey, can we -- can we put a pause on the proceedings because there's some investigating I need to do?

A No.

Q Mr. Pond asked you questions about a vehicle. Do you recall that line of questioning?

A Yes.

Q Okay. The vehicle, would that have been the vehicle that Jorge Flores was driving when he was pulled over on I-35?

A Yes.

Q Okay. That vehicle was not subject -- the vehicle itself was not subject to any civil asset forfeiture; is that correct?

A That's correct.

Q Do you know -- and if you don't that's fine -- do you know what happens to a vehicle if it is taken to a wrecker yard as this -- as Eric Grisham testified -- and nobody ever claims the vehicle?

MR. POND: Objection. May we approach?

THE COURT: You may.

(The following bench conference was had outside the hearing of the jury:)

MR. POND: Eric Grisham said he took it to the impound yard and took it out of the impound yard, and then Craig Ardmore said it was at the city lot after that, so if we're alleging it's at the wrecker impound yard, that's just flat not true.

MS. WHATLEY: I'm really just trying to determine if he knows where it went.

MR. POND: He already said it went to the city lot.

THE COURT: I'm going to sustain the objection, and allow you to rephrase, Counsel.

(Within hearing of the jury:)

Q (By Ms. Whatley) Mr. Ladd, the vehicle that was the vehicle of the traffic stop on I-35, are you aware of where that vehicle went and the timeline of where that vehicle was at? Does my question make sense?

A It does and I don't -- I can't answer your question. I don't know.

Q Okay. You had answered to Mr. Pond that at some point it was at this Ardmore City Lot?

A I thought the question was about it going to the fire department and maybe using it for some sort of training.

Q Did you say Ardmore City Lot? I'm not sure if I heard the answer correctly or not?

A I'm not sure.

Q Okay. Do you -- did you use those words "Ardmore City Lot"? I'm just trying to make sure I understand what Ardmore City Lot is.

A If I did, I must have misspoke. I don't know exactly what Ardmore City Lot is. I assume whenever they impound a vehicle and take it to the wrecker yard or wherever the tow trucks are. I -- I'm not sure where they keep them impounded.

Q Okay.
A In a case like this. I'm not sure where they keep it impounded or keep it stored.
Q The -- there was some testimony related to documents that you sent to a Bob Robertson; is that correct?
A Yes.
Q Just to be clear, did you edit any documents and then send them to Bob Robertson?
A No.
Q Whenever Mr. Pond was asking you questions about what you sent to Bob Robertson, you kept mentioning the plea of guilty summary facts; is that correct?
A Yes.
Q And then other writings that were in the CV cases --
A Yes.
Q -- is that correct? When you would send those, normally, the plea of guilty summary of facts, do you know exactly how many pages that is?
A I know it's -- we call it the long form. Maybe ten or 12. It could be seven or eight.
Q And when you sent that, did you send that in it's entirety, like, just the whole plea of guilty

summary of facts?

A I believe so, yes.

Q You did not remove documents, add documents, or edit these documents in any way?

MR. POND: Objection: Leading.

THE COURT: Overruled.

A I did not.

MS. WHATLEY: Can I have a moment, Your Honor?

THE COURT: Yes, ma'am.

MS. WHATLEY: I have no further questions, Your Honor.

MR. POND: May I ask a couple questions, Judge?

THE COURT: Yes, you may.

RECROSS EXAMINATION

BY MR. POND:

Q Ms. Whatley was asking you about the discovery that might have been turned over at some point, do you recall that line of questioning?

A I do.

Q That discovery would not have included anything about the 30th bundle; is that correct?

A Right.

Q 'Cause you don't know about it yet?

A That's correct.
Q Didn't find out about it until May 17 of 2022? If that's when Jared Johnson collected the 30th bundle --
A Yes.
Q -- do you have any reason to doubt that?
A I don't.
Q So there's no way that Jason May would have known about the 30th bundle that was in the interrogatories in 2019?
MS. WHATLEY: Objection: Speculation.
MR. POND: I'll rephrase my question, Judge.
Q (By Mr. Pond) You have no evidence of that, do you?
A That he would've known of the 30th bundle?
Q Correct. 'Cause it wasn't in your discovery?
A No.
Q And Ms. Whatley was asking you about the car and where it was, right?
A Yes.
Q There's something called the Public Works Annex Garage?
A I think that might be out on -- I think I know where that is. It's out by the dump I belive.
Q Where the police keep their cars and then, you

know, stuff is stored?

A I think so.

Q Okay. And she asked you, that was never the subject of a civil forfeiture proceeding, right?

A The car?

Q Correct.

A That's correct.

Q And the civil forfeiture statutes allow you to seize items that you think are somehow used in drug issues, right?

A Yes.

Q Which would include a car?

A It does include cars, yes.

Q So you could have seized the car?

A We could have.

Q You just let the fire department destroy it?

A I didn't -- they didn't come say, hey, Craig. We forgot to forfeit that car. Can we destroy it?

No. They didn't. I didn't allow anything like that.

Q Okay.

MR. POND: That's all I have, Judge.

THE COURT: Counsel, may this witness be excused?

MS. WHATLEY: Yes, Your Honor.

MR. POND: Yes, Your Honor.

(This concludes the requested portion of proceedings consisting of the testimony of Craig Ladd.)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS.
COUNTY OF CARTER)

I, Tracy Wilkerson, a Certified Shorthand Reporter within the State of Oklahoma, CSR No. 2016, do hereby certify that the foregoing transcript is a true and correct transcription of my shorthand notes of the requested portion of proceedings had in Case No. CF-2023-321 on the 28th, 29th, & 30th days of April, and the 1st & 2nd days of May, before the Honorable Trisha Smith.

I further certify that I am neither related to, nor attorney for any interested party, nor otherwise interested in the event of said action.

WITNESS MY HAND AND SEAL on May 26, 2025.

_____
TRACY WILKERSON, CSR
Official District Court Reporter
In and for the State of Oklahoma